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1 BEFORE THE UNITED STATES
2 ENVIRONMENTAL PROTECTION AGENCY
3 AFTERNOON SESSION

4 ----- x

5 Public Hearing :
6 PROPOSED CLEAN AIR ACT :
7 PERMIT FOR PREVENTION OF :
8 SIGNIFICANT DETERIORATION OF :
9 THE DESERT ROCK POWER PLANT. :

10 ----- x

11 October 4, 2006
12 Shiprock, New Mexico

13
14 Panel
15 Danita Yocom, Hearing Officer
16 Gerardo Rios, EPA
17 Bob Baker, Region 9 Air Permits Office
18 Rose Graham, Interpreter
19 Justine Hannaweeke, Court Reporter
20 EPA Staff

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1 P R O C E E D I N G S

2 MS. YOCOM: Welcome and good afternoon.

3 This public hearing is now in session.

4 My name is Donita Yocum. I am the

5 acting public hearing officer for the U.S.

6 Environmental Protection Agency, Region 9, in

7 San Francisco, California, and the presiding

8 officer for today's public hearing.

9 The purpose for today's hearing is to

10 accept public comment on the Environmental

11 Protection Agency's proposed Clean Air Act

12 Permit for Prevention of Significant

13 Deterioration for the Desert Rock Power Plant.

14 With me on the panel is Gerardo Rios

15 and Bob Baker of the Region 9 Air Permits

16 Office. Also on the panel is Rose Graham and

17 Justine Hannaweeke, EPA contractors, who are

18 assisting us tonight. Rose is the interpreter

19 for the Public Hearing Instructions into Din,.

20 In addition, there are a number of

21 other EPA staffers here to assist with this

22 public hearing.

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1 Before we begin accepting your
2 comments, we will be providing you with some
3 introductory information. First, Gerardo Rios
4 of the Air Permits Office will briefly explain
5 the proposed PSD permit -- actually, he won't
6 be talking about the permit, excuse me -- the
7 Clean Air Act permitting process and how
8 today's public hearing fits into that process.
9 After that, I will describe the procedures for
10 today's hearing.

11 I ask that you please refrain from
12 interrupting or asking questions during the
13 presentation, as you will have the opportunity
14 to make comments shortly, once we begin the
15 public comment portion of the hearing.

16 We realize this is a complex issue. So
17 informational materials provided during the
18 prior public information meeting are available
19 next to the sign-in table in the lobby.

20 (Ms. YOCOM's remarks translated by
21 Rose Graham.)

22 MR. RIOS: My name is Gerardo Rios. I

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1 am the Chief of the Permits Office. Thank you
2 for coming today.

3 The subject of today's public hearing
4 is the proposed Clean Air Act Permit for the
5 Desert Rock Power Plant. The purpose is to
6 allow you to comment on this proposed permit.
7 You may have heard of a different hearing
8 related to Four Corners Power Plant. That is a
9 separate hearing that will be held, and you can
10 get information about that hearing at the
11 informational table near the entrance.

12 What is the project? It is a coal-
13 fired electric generating facility, and it is
14 projected to produce 1,500 megawatts of
15 electricity, which is the equivalent of about
16 1.2 million homes per year. It will be located
17 25 miles south of Shiprock, New Mexico.

18 Sources of air pollution covered by the
19 proposed permit will include two large boilers,
20 emergency generators and a fire pump, smaller
21 auxiliary boiler, and material handling.

22 Prevention of significant deterioration

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1 of permitting process lists as follows: The
2 first box, application of the PSD permit.
3 After we receive the application, then we do a
4 technical analysis. That is represented by the
5 second box. After we do the technical
6 analysis, we propose a permit. That's the
7 third box. Then we public notice permits, and
8 that allows for a public review and comment.
9 The fifth box responds to comments. That's
10 when we put in writing our responses to all the
11 comments received.

12 The next box represents the next step
13 of the process, which is, we make a decision
14 about whether or not to issue the permit, which
15 is our action. Finally, after we've determined
16 what our final action is going to be, there
17 will be an opportunity to appeal the permit.

18 We are currently at the public review
19 and comment stage of this proposed permit,
20 which are the two yellow boxes.

21 Topics to consider for your comments
22 are best available control technology

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1 determinations that we make; the effect of
2 proposed facility and ambient air quality and
3 visibility, including the public health
4 standards called the National Ambient Air
5 Quality Standards; effects, if any, on special
6 national parks and wilderness areas designated
7 as Class I areas.

8 For more information on the proposed
9 permit, please visit our information table at
10 the entrance.

11 To comment on this proposed permit,
12 you can send an email to the
13 desertrockairpermit@epa.gov is the email
14 address, or fax comments to 415-947-3579,
15 attention Robert Baker, by October 27th. You
16 may also mail comments to the address that's in
17 red. They must be postmarked by October 27th.
18 You may also hand in a speaker card and comment
19 today. You can put written comments that you
20 may have in a comment box, which is also near
21 our information table near the entrance.

22 (Mr. Rios' remarks translated by

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1 Rose Graham.)

2 MS. YOCOM: Thank you.

3 Now, I'd like to go over the ground
4 rules for today's public hearing. This hearing
5 is a formal legal proceeding. Public notice of
6 this hearing was made by publication in the
7 Farmington Daily Times, the Navajo Times, and
8 other area newspapers. Public notice was also
9 posted on EPA's website and announced on local
10 radio stations.

11 This hearing is being recorded by our
12 court reporter for today, Justine Hannaweeke,
13 who is preparing a verbatim record of the
14 hearing. If you present oral comments at
15 today's hearing, please speak clearly and
16 slowly so that the court reporter can
17 understand you and record your comments
18 accurately. Comments spoken in Navajo will be
19 electronically recorded tonight and later
20 translated into English in the written record.

21 To maximize the time available to
22 receive comments, we will only be translating

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1 general instructions, such as the opening and
2 closing statements from English to Navajo. We
3 will not be translating comments during the
4 hearing.

5 In the lobby where you came in, there
6 is a registration table. You don't need to
7 register to attend the hearing. However, if
8 you would like to make oral comments at today's
9 hearing, please fill out a speaker card.

10 Please note, if you already signed up on EPA's
11 website, you don't need to fill out a speaker
12 card today.

13 I will be calling individual commenters
14 based upon the order they submitted their
15 request on EPA's website and then the order in
16 which they submitted their speaker cards.

17 If you don't wish to speak tonight, you can
18 also submit written comments for the official
19 record. Written comments and oral comments
20 will receive equal consideration by EPA in
21 making the final permit decision. Handouts
22 with directions for submitting written comments

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1 are available at the registration table. There
2 is also a box at the registration table for
3 submitting comments. If you would like to
4 write comments while you are here today, a form
5 for that purpose is available at the
6 registration table, too. If you have submitted
7 written comments, it is not necessary for you
8 to give oral comments as well, although of
9 course you are welcome to do so.

10 The oral comments received at this
11 hearing and all written comments received by
12 the end of the comment period will be
13 considered by EPA in making its final permit
14 decision. EPA decisions on Clean Air Act
15 permits are typically made with the
16 participation of a number of people within the
17 organization. EPA staff cannot commit to any
18 specific decision related to the proposed
19 permit today. The purpose of this hearing is
20 to listen to your comments, so we will not be
21 providing responses during the hearing.
22 Rather, EPA will prepare a written summary of

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1 the comments and EPA's responses. The response
2 to comments will accompany the final permit
3 decision. EPA will not make a decision on the
4 proposed permit until all comments have been
5 considered.

6 EPA's Notice of Final Decision on the
7 permit, along with the Response to Comments
8 document, will be sent to each person who has
9 submitted written comments or who has signed up
10 at the registration table to receive notice and
11 provided an email or postal address. This
12 information will also be available on EPA's
13 website.

14 A copy of the transcript of today's
15 hearing will also be available for inspection
16 and copying at EPA's office in San Francisco.
17 We also intend to make this available on EPA's
18 website.

19 When EPA issues a permit, it becomes
20 effective 30 days after a Notice of Decision.
21 However, EPA's final decisions are reviewable
22 by the Environmental Appeals Board subject to

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1 the regulations found at 40 C.F.R. Part 124.

2 Petitions for Review must be filed within 30

3 days of the decision.

4 In a few minutes I will begin calling

5 on speakers. Speakers will be called in groups

6 of five in the order that they will be

7 presenting. When you hear your name, please

8 come forward and wait in the front row until it

9 is your turn to speak. When I announce that it

10 is your turn to speak, please come up to the

11 microphone, or one of the microphones, state

12 your name, and if you are appearing on behalf

13 of someone or on behalf of an organization,

14 please tell us who you are representing.

15 In order to give everyone who wishes to

16 speak during this hearing a chance to do so, I

17 am asking everyone who speaks to please make

18 your oral comments brief, as this hearing

19 session is scheduled for four hours. To assist

20 in this effort, I am asking speakers to limit

21 their comments to five minutes. If you have

22 lengthier comments, you may submit those in

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1 writing. Each speaker will be given a one-
2 minute warning by Bob, our timekeeper, and then
3 notified when their time is up. Bob also has a
4 sign.

5 (Ms. YOCOM's remarks translated by
6 Rose Graham.)

7 MS. YOCOM: Let's begin the comment
8 period. The first speakers are Emile Benally,
9 Dorothy Red Horse, Mark Jones, Rob Thompson,
10 and Robert Gomez. Please come to the front.

11 It appears that some of the people who
12 signed up on the web site are not present,
13 except for Mark Jones. Please go ahead.

14 MARK JONES

15 NEW MEXICO ENVIRONMENT DEPARTMENT

16 MR. JONES: My name is Mark Jones, and
17 I am here on behalf of the New Mexico
18 Environment Department.

19 The New Mexico Environment Department
20 has reviewed the draft Prevention of
21 Significant Deterioration Permit for the Sithe
22 Global Power, LLC, Desert Rock energy facility.

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1 The New Mexico Environment Department testimony
2 presented today focuses on two serious
3 technical flaws in the proposed permit.

4 The Desert Rock facility's emissions
5 will significantly impact New Mexico's air
6 quality. The New Mexico Environment Department
7 would appreciate your consideration of our
8 comments before finalizing the permit.

9 The first serious flaw is that EPA,
10 Region 9, incorrectly projected integrated
11 gasification combined cycle, IGCC, as a viable
12 air pollution control technology method for a
13 coal-fired power plant. A few years ago, EPA
14 ruled Sithe's permit application for the Desert
15 Rock energy facility, "complete," despite the
16 application's deficient best available control
17 technology analysis.

18 As stated in the New Mexico Environment
19 Department's October 8, 2004 letter to U.S. EPA
20 Region 9, the permit application was deficient
21 because of Sithe's failure to evaluate IGCC
22 combustion systems in the best available

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1 control technology analysis.

2 Subsequently, IGCC was included in the
3 analysis but rejected by U.S. EPA Region 9 in
4 the analysis of the application because the
5 inclusion of IGCC would, "redefine the source."
6 This determination by U.S. EPA Region 9
7 conforms with U.S. EPA's December 2005 letter
8 to E-3 Consulting stating that IGCC need not be
9 part of the best available control technology
10 analysis for a supercritical pulverized coal
11 unit because it would "redefine the source."

12 The New Mexico Environment Department
13 disagrees with this decision. The
14 Congressional Record is clear that Congress
15 intended to require the consideration of
16 innovative fuel combustion techniques like IGCC
17 during the best available control technology
18 analysis. The IGCC technology is currently
19 available and technologically feasible as
20 evidenced in part by the proposed construction
21 of numerous plants around the country,
22 including the recent Excel Energy announcement

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1 proposing a new 300 to 350 megawatt IGCC
2 electrical generating facility in Colorado.

3 Since the IGCC technology was not
4 considered in U.S. EPA Region 9's top-down best
5 available control technology analysis, it will
6 never be known whether IGCC is best available
7 control technology for Desert Rock or not.

8 The Clean Air Act requires the
9 assessment of, "impacts other than impacts on
10 air quality standards due to emissions of the
11 regulated pollutant in question, such as solid
12 or hazardous waste generation, discharges of
13 polluted water from a control device,
14 visibility impact, or emissions of unregulated
15 pollutants" in the best available control
16 technology analysis.

17 EPA failed to consider carbon dioxide
18 emissions from Desert Rock in the best
19 available control technology analysis.
20 Although carbon dioxide emissions are currently
21 unregulated, the impacts of these emissions are
22 significant and result in undesirable impacts

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1 to our state, nation and world. Governor
2 Richardson has established statewide greenhouse
3 gas emission reduction goals. The emissions
4 from Desert Rock, as proposed, will require
5 more reductions from other sectors of industry
6 and the public to meet the New Mexico goals.

7 The New Mexico Environment Department
8 strongly urges U.S. EPA to consider the impacts
9 of carbon dioxide emissions and available
10 control technologies for these emissions in
11 issuing a final air quality permit.

12 The second serious flaw in the proposed
13 permit is the omission of any permit conditions
14 relating to mitigation measures for adverse
15 visibility and deposition impacts at Class I
16 and Class II areas in the Southwest due to the
17 proposed construction. During the permit
18 application review process, the federal land
19 managers identified potentially adverse impacts
20 that could occur with the construction of the
21 Desert Rock energy facility. The federal land
22 managers worked with Sithe, U.S. EPA, and the

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1 Navajo Nation to develop a mitigation plan so
2 that an adverse impact determination would not
3 be made. In fact, Sithe proposed a mitigation
4 strategy that would effectively offset impacts
5 to visibility and deposition. The federal land
6 managers have agreed that the strategy would
7 eliminate the necessity of an adverse impact
8 determination.

9 The New Mexico Environment Department
10 concurs with the agreement and believes that it
11 is necessary for the plan to be implemented in
12 order for the state to reach its reasonable
13 progress goals under the regional haze rules
14 and generally protect the pristine nature of
15 our state and region's national parks and
16 wilderness areas. This strategy, however, must
17 be made federally enforceable through inclusion
18 of related conditions in the final air quality
19 permit for Desert Rock.

20 Unfortunately, the draft permit fails
21 to include any conditions related to the
22 mitigation plan that was negotiated over a

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1 period of two years. The rationale behind the
2 lack of inclusion by U.S. EPA Region 9 is
3 unclear. However, the end result is that there
4 is no assurance that the plan will be completed
5 as agreed upon without enforceability through
6 permit conditions. Must the permitting
7 authority have an adverse impact determination
8 to include enforceable conditions in a permit
9 related to visibility and deposition in the
10 permit? This policy would seem to discourage
11 resolution of issues prior to permit issuance
12 and encourage resolution through more formal
13 processes.

14 The New Mexico Environment Department
15 has found that dispute resolution early in the
16 permitting process results in a much less
17 complicated and open permitting process where
18 the public participation is more easily
19 facilitated and meaningful. The New Mexico
20 Environment Department urges U.S. EPA Region 9
21 to include enforceable conditions related to
22 the Site mitigation plan in the final air

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1 quality permit.

2 In November 2005, a memorandum of
3 understanding was signed by several
4 governmental agencies laying the ground work
5 for a task force on air quality and visibility
6 to address air quality issues in the Four
7 Corners region. Air quality in the region is
8 very close to exceeding the eight-hour ozone
9 national ambient air quality standard. An EIS
10 analysis of visibility impairment due to
11 proposed oil and gas exploration in the Four
12 Corners region shows that it may be difficult
13 for states in the area to meet the reasonable
14 progress goals of the Federal Regional Haze
15 Rule in the future.

16 The task force is in the process of
17 working over a two-year period making its final
18 report available by December 2007. The
19 mitigation options in the final task force
20 report will be seriously considered by the air
21 quality regulating agencies who will decide
22 which options to recommend for implementation.

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1 By creating a uniform approach to
2 mitigating air quality impacts for a regional
3 area, the issues of state, tribal and federal
4 boundaries will be opened up to creating more
5 of a one air basin approach to dealing with air
6 pollution. Air quality in the region is
7 already seriously compromised. The proposed
8 Desert Rock facility will be adding to this
9 existing problem.

10 In conclusion, the New Mexico
11 Environment Department has serious concerns
12 about the draft permit for the Desert Rock
13 energy facility, particularly the deficiencies
14 of the best available control technology
15 analysis and the lack of enforceable conditions
16 to address adverse visibility and deposition
17 impacts. The emissions from Desert Rock could
18 adversely affect much of the state and Four
19 Corners region. A comprehensive and
20 technically sound permitting process for this
21 facility is essential to preserving and
22 protecting New Mexico's scenic vistas, parks

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1 and wilderness areas.

2 We appreciate your consideration of our
3 comments as you finalize this air quality
4 permit. Thank you.

5 MS. YOCOM: Thank you very much.

6 The next speakers are Charles Vaughn,
7 Brad Bartlett, Anthony Lee, Bert Sandoval and
8 Lucy Willie. If you could please come to the
9 front row.

10 Is Charles Vaughn here? I don't see
11 Brad Bartlett either. Anthony Lee?

12 ANTHONY LEE

13 SHIPROCK, NEW MEXICO

14 MR. LEE: First of all, my name is
15 Anthony Lee. I'm originally from here, grew up
16 here in the Four Corners area. Basically, I'm
17 just here to comment on this Desert Rock
18 generating station I guess they are putting up
19 over at Burnham. I'm one of those that opposes
20 this generating station ever since the get-go.
21 As far as representing an organization, I
22 represent my kids, my grand kids, my great,

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1 great grand kids, and so forth, down the road.
2 I was listening to the panel, and one
3 of the things that I guess you guys took into
4 consideration is the visibility. With that, I
5 wanted to invite you guys to go up to Mesa
6 Verde. There is a place called Far View. It
7 is the highest point on Mesa Verde. Look down.
8 We consider the Navajo Reservation, this whole
9 Four Corners area, as a sacred -- this whole
10 area as pretty much sacred to us as Navajo
11 people. In that way, we see it as a national
12 park, or whatever the government calls it.
13 When I first noticed this, like I said,
14 I grew up here, and years ago when I was like,
15 about, eight or nine years old, I went up to
16 La Plata Mountain the first time. I went up
17 there with my grandfather, and we were up there
18 hunting. I looked down, and I could see
19 Shiprock, the mountains, the Carrizos, the
20 whole mountain back here. It's been like that
21 ever since until a couple of years ago they put
22 in a different system with the hunting up in

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1 Colorado.

2 So I went back up there again. Man,
3 this place looks different. It looks
4 different. You can barely see Shiprock, you
5 can barely see the mountains behind us anymore.
6 It is just so ugly. I don't know. It's hard
7 to describe it from what it was like way back
8 about 40 years ago and what it is now. There
9 is no way of putting it. It looks ugly,
10 period.

11 I think about it and, ever since, I
12 have opposed this project that they are doing.
13 Of course, we've complained to our tribal
14 government, and they just kind of overstep a
15 lot of the things that we are commenting on.
16 We're telling them no, don't put it in. But we
17 became, I guess the tribal government pretty
18 much became the ass with this project as far as
19 the -- with the carrot and the jackass, you
20 know. It's pretty much -- they kind of took
21 that, more or less out of greed, they jumped
22 into this project without considering a lot of

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1 things.

2 A couple of years ago -- years ago our
3 people were promised the same thing with this
4 uranium, and they were told there is
5 opportunity up there for us. But a lot of us
6 paid dearly with this uranium thing, and I was
7 one of those, with my father gone.

8 I believe this power plant is going to
9 have the same effect on our grand kids later on
10 down the road. Not tomorrow, maybe not next
11 year, but 20, 40 years from now it is going to
12 have the same effect. The United States
13 government better have some money put aside if
14 any respiratory effects arise from a lot of
15 this stuff that they are putting in there.

16 Like I said, it's the same promises
17 that they made with the uranium thing that they
18 had going about 50, 60 years ago. It is the
19 same thing. They were promised a lot of these
20 things that these guys are doing.

21 With that, like I said, I represent my
22 kids, my grand kids, and my great, great grand

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1 kids. I don't want them to go through what we
2 went through with this uranium thing. It's the
3 same effect. I know it is going to have the
4 same effect.

5 That's more or less my comment on it.

6 I oppose this. I oppose this project 125
7 percent, 200 percent. I mean, I oppose it.

8 I'd like to see the reservation clean. I'd

9 like to see the Four Corners clean, and I want

10 my grand kids to survive in clean air, and I'd

11 like for this place to look nice again.

12 There's too much smoke in the air, and it looks
13 ugly.

14 And, like I said, you know, you guys be

15 the best judge. I invite you to come up to

16 Mesa Verde, like I said. Come up there and

17 look down, or go up on top of the La Plata

18 mountain. There's a road that goes right up

19 behind Mankis (phonetic spelling) there, and it

20 goes up on top there. Look down, and you will

21 see firsthand what I'm talking about. I've

22 been up there so many times I know what I'm

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1 talking about. It looks ugly, like I said,
2 compared to 40 years ago. Forty years ago, I
3 looked down, I could see the Carrizos, I could
4 see the mountains behind me, I could see
5 Shiprock. Not any more. It is just filth. It
6 is just ugly. It really is.

7 For that, I oppose this project. I
8 oppose it. I'm one of those that oppose it.
9 There are a lot of us that opposed it, and we
10 went to our tribal government and they just,
11 kind of, sort of kicked dirt in our faces and
12 said no, we need the money, we need jobs, you
13 know, not considering what effects will come
14 from it. Like I said, it is going to have the
15 same effect that the uranium had on our people.
16 They are holding this carrot in front of us
17 saying, hey, we've got money here. That's a
18 bunch of crap. They don't think about those
19 things in the future.

20 That's all I've got to say about that.
21 I appreciate if you guys could, at least,
22 consider a lot of the things that we are

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1 saying. It seems that you guys are our last
2 hope of saying no to this project. We don't
3 want it. A lot of us don't want it. And I
4 grew up here, like I said, all my life. I am
5 48 years old, and I've seen a lot of changes.
6 One of the changes that I've seen is these two
7 power plants coming up. It's gotten worse, you
8 know. They came with the same promises that
9 these groups are coming in with now. It ain't
10 going to change. They are going to make it
11 worse.

12 So, with that, I appreciate your
13 listening to me and my comments. Thank you
14 very much.

15 MS. YOCOM: Thank you.

16 Our next speaker is Bert Sandoval.

17 BERT SANDOVAL

18 SHIPROCK, NEW MEXICO

19 MR. SANDOVAL: Good afternoon, ladies
20 and gentlemen. I live here in Shiprock, New
21 Mexico. Most of my life I spent at the park
22 lands. Presently I am on nobody's payroll. I

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1 do not work for any of the entities that I've
2 worked for before. So I am a free person to
3 speak. As a veteran, a Vietnam veteran, I'll
4 speak as I please.

5 We fought for this country. I want to
6 speak of the freedom that we all enjoy.

7 I am for the project. I spent 36 years
8 of my life working at the power plants. I know
9 what it's all about. I have never, ever been,
10 one way or another, health-wise, been hurt or
11 just plain out saying, "I'm sick of this."

12 I've been accused of working for BHP. I do not
13 work for BHP. This was in the paper here
14 sometime back in March. I do not work for
15 anybody. I'm on nobody's payroll, like I said.

16 I hear complaints all over about
17 something that I've always advocated for my
18 people. I'm not afraid, like I'm standing here
19 right now, to advocate for this power plant.

20 When I worked at the power plants, I talked to
21 my people. I wasn't afraid of the management,
22 the people who were in the higher up. These

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1 people were operating on our reservation, and I
2 spoke up for the people. Those people know who
3 I am. Now, since I'm no longer with them, we
4 are okay with each other.

5 I see all this stuff, but I worked in
6 it. It hasn't done nothing to me. I am still
7 in good health. I ran a lot, and I ruined my
8 knees. The first thing the doctor asked me is,
9 "Do you run a lot?" I said yes. So that was
10 my own fault, it wasn't the power plant's
11 fault.

12 I hear a lot of complaints about the
13 reservation being like this here, no grass.
14 And the power plant gets the blame for it. If
15 you drive anyplace on the reservation, I notice
16 this particularly going west or to the city,
17 right in the highway right-of-way there is a
18 lot of grass. If you look beyond the right-of-
19 way, there is no grass. Why? We did it. We
20 over grazed. We don't know how to put stock
21 here for a season or for a length of time. We
22 just let them graze all over. That's why if

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1 you go between here and Gallup, there is a lot
2 of sand that blows into the highway.

3 Right next door to Arizona Public

4 Service up the road here is a framing project,
5 we call NAPI, Navajo Agricultural Projects,
6 Incorporated. Even though it's about a quarter
7 of a mile, a half mile from the power plant, it
8 doesn't hurt the plants at all. We just need
9 to water, that's all it is, to make the
10 products grow or the grass grow, livestock.

11 That's an understanding that if you bring water
12 from a certain area and put it on the arid
13 desert, plants will grow. I've never, ever
14 heard of NAPI complaining, saying yes, the
15 cause of our crop product, or anything, related
16 to their operation over there at NAPI. I've
17 never heard a complaint. I never have, and I
18 don't think they will. As long as you have
19 water, you will have plants that will grow all
20 the time.

21 Right now, I will say I will speak for
22 people that will work there from generations to

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1 come, from years, that will bring a good
2 livelihood to our Navajo people that will work
3 at the power plant. Like I said, I know what
4 it is all about. I've traveled all over the
5 West Coast. If you're a good worker, companies
6 like General Electric, big companies, and
7 Siemens Westinghouse, they will pick you up,
8 they will give you a working card. On these
9 next work projects or scheduled outages, they
10 want you there. The last company I worked for,
11 General Electric, they treated me the top. I
12 mean, they -- if you are a good employee,
13 they'll treat you good.

14 And this is what I'm looking at for the
15 Navajo people. They don't have to work there
16 at the power plant. They can do like I do, as
17 a traveling construction worker. They don't
18 have to work there permanently. They can join
19 a union and work out of their local, be on an
20 out of work list. When there is a job
21 available, they can be called to these
22 different projects. But the only thing is, you

00033

1 have to learn how to do the work, the project,
2 and be a steady good employee.

3 That's why I support the project.

4 People can say yes, it isn't wanted. We need
5 work here on the reservation. We've got no
6 place to go other than, maybe, I do a little
7 silversmithing now and then to keep me alive.

8 Thank you for this comment period.

9 Thank you.

10 MS. YOCOM: Thank you very much, sir.

11 The next speaker is Lucy Willie.

12 LUCY A. WILLIE

13 NEWCOMB, NEW MEXICO

14 MS. WILLIE: (In Navajo--Remarks
15 translated to English by Esther Yazzie Lewis,
16 a contracted translator not at the hearing)

17 Hello, I am Navajo and because I only
18 speak Navajo, I will address you in Navajo. My
19 name is Lucy Willie and I am from Burnham. I
20 was raised there and I grew up there. I am
21 over 60 years old.

22 We are talking about the air here.

00034

1 There has always been bad air. There are
2 already two power plants. The air is bad and
3 we talk about it, that is how I know it to be.
4 There are many things with it, like health
5 problems. It affects our heart, liver, joints,
6 eyes, kidneys, asthma. Things that are not
7 good are the effects.

8 Also, the women who have babies are
9 affected. I know a relative where this
10 happened to her. It is a deep sadness of what
11 happened to the baby before it could live, that
12 happened to it. It is good to think about the
13 people. The children need good air to breathe.
14 If they breathe in good air, they do not have
15 any problems. Also, has the Navajo land been
16 surveyed? And how many people have problems?
17 How much of that do you know? That is a
18 question.

19 There is bad air, and the smoke is
20 there where I live. Yesterday it was hazy from
21 it, and it was yellow. That is how I know it.
22 The livestock are also there. The ones that

00035

1 walk with four legs from the smallest to the
2 largest. They are not doing good, too. The
3 air could be killing them. They are weak, and
4 they cannot be used for meat. It is difficult.
5 They are affected very badly. That is what I
6 know about them. Their food is not good for
7 them. This is what concerns me. Also, I take
8 the stand in, "No Desert Rock."

9 I am worried about the people. The
10 people should live a long life on the earth.
11 Who wants to end their life short? I want to
12 live on this earth and have a good life. This
13 is what some of the people want for themselves.
14 This smoke, they say they will clean it up, but
15 I do not believe them. I do not trust anybody.
16 That is how my life is. That is why I stand in
17 opposition.

18 From the first time I heard about it, I
19 was against it and talked against it. Today I
20 stand against it and talk against it. I think
21 about my people's future, little children,
22 maternal grandchildren, paternal grandchildren,

00036

1 and then the second generation into the future.
2 My maternal and paternal grandmother never
3 spoke in my defense. I do not ever want to
4 hear that about me. That is why I spoke these
5 words.

6 Thank you. That is all.

7 MS. YOCOM: Thank you for your
8 comments.

9 Are we okay on the sound, or is this a
10 good time to make a change? We're good? All
11 right.

12 The next speakers are Nelson Simms,
13 Robyn Jackson, Lori Goodman, and Robb Thomson.
14 If you would please come to the front row.

15 Nelson Simms, if you would like to go
16 directly to the microphone.

17 NELSON LEE SIMMS

18 SHIPROCK, NEW MEXICO

19 MR. SIMMS: Hello. Good afternoon. My
20 name is Nelson Lee Simms, and I'm really from
21 New Mexico. My grandfather was Jim Curly
22 Begay. He was the son of the first Navajo

00037

1 police officer in Shiprock. I'm here
2 representing my family and the elderly that
3 live around the power plants right now.

4 My grandpa owned most of the land
5 around Morgan Lake and right by the APS power
6 plant. My family, meaning me, my mom, my
7 brothers, we only live, like, five miles, both
8 directions, from two power plants. When they
9 were dealing or offering proposed plants, they
10 made promises with my family saying we would
11 have jobs, we would always be employed, and one
12 day the Navajos would running the company. But
13 the Australians are running the company, and
14 they are the ones that are mostly being hired
15 right now. Me, I have college degrees, and
16 I've been asking for a job over there, and they
17 won't hire me. So, you know, that's the
18 promises they keep.

19 So, I'm figuring Desert Rock might be
20 the same way. They haven't really got stuff
21 approved and everything. It's just being
22 rushed, rushed, rushed. Right now, there is no

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1 council delegate sitting in here. They need to
2 find out what the people are saying. They need
3 to be here to listen to all of us that live
4 here. We are right near the plants.

5 We already have two smoke dragons, and
6 we live in a bowl. As you look at our
7 landscape, this is a bowl area right here. We
8 have all of the mountains around us. There is
9 only one way out, towards Utah. We have the
10 mountains over here (indicating), McKinley over
11 here (indicating), Dulce, and what we call the
12 Purgatory Mountains on this side. All the smog
13 settles in there. If you get on a plane, if
14 you head northeast, going to Denver, if you
15 look at the snow capped mountains on Purgatory
16 on the southwest side, it's all yellow. It's
17 not pretty. In the evening, if you are driving
18 from Farmington, if you look this way, towards
19 the southwest side, you can see that yellow
20 haze. Right now, when it rains, before it hits
21 the ground, it dries up.

22 I don't want to be responsible later on

00039

1 when I'm gone and my kids are here, and later
2 on, maybe, they might blame the Navajo tribe
3 for steam cooking everybody. We've got, what
4 do you call it, the greenhouse effect going on
5 right now. It's going to affect our
6 atmosphere. So down the road, you know, we're
7 going to have three power plants, and the other
8 two, they haven't fixed it yet. Yet, we are
9 rushing into this next one.

10 Me, representing my elders that live
11 around it, you know, my grandpa used to herd
12 sheep. I used to herd sheep right by Burnham.
13 The power plant is only three miles from where
14 my grandpa's hogan is. You know, we are
15 against all this.

16 The council delegates don't listen to
17 us. They have their own groups. They have the
18 New Mexico group, the Utah group, the Arizona
19 group. They are all cronies. They get
20 together and they say, "What are you proving?"
21 They all jump on the same boat, but they don't
22 vote for us. We say no, no, no. That's what I

00040

1 said last time when I came here. We're against
2 this. Try something else. There is wind
3 power. It doesn't cause smoke. You know, if
4 they have money to help our tribe, put that
5 money into something different, another
6 technology, not the ones that we already have.
7 I'm with a group that are living around here,
8 the group from Durango, people from Farmington.
9 They are all against it. Only a few, maybe the
10 ones that are going after the all mighty
11 dollar, I guess they are for it.

12 But you are our last hope. I grew up
13 here. I'm 49 years old. I've been here more
14 than 40 years. I've seen all the changes. You
15 are going to decide this thing for us. You
16 know, the council delegates are supposed to be
17 representing us. They didn't. They just
18 offered them money.

19 So I thank you for listening to me.
20 That's all I have to say.

21 MS. YOCOM: Thank you for your
22 comments, sir.

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1 The next speaker is Robyn Jackson.

2 ROBYN JACKSON

3 DURANGO, COLORADO

4 MS. JACKSON: Hello. My name is Robyn
5 Jackson. I'm from this general area. My
6 mother's side of the family is from Wheatfield,
7 just on the other side of the Chuska Mountains,
8 and my father's side is from Fruitland. I'm
9 here representing the Navajo people. My first
10 clan is Near the Water.

11 On my father's side of the family, I
12 recently had a grandmother who passed away, and
13 she had cancer. That's one of the common
14 happenings around here because of the power
15 plant.

16 My first comment was about the health
17 assessment made about the surrounding area's
18 air quality. It does not include areas that
19 would be directly affected, like Shiprock,
20 Burnham, and Sanostee. These directly affected
21 communities should be addressed in the EPA's
22 assessment, and they are currently not.

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1 Another great concern is mercury. This
2 is one toxin that is not covered in the EPA's
3 regulations. Assessments of the current amount
4 of mercury in the area should be addressed,
5 because it leads to many health problems, such
6 as respiratory ailments like asthma, which is a
7 common ailment among many people who live
8 within close vicinity of the present two power
9 plants. These two power plants, the San Juan
10 Generating Station and the Four Corners Power
11 Plant are known as two of the worst polluting
12 plants in the nation. A third will only worsen
13 the poor air quality in the Four Corners
14 region.

15 The health of the people, particularly
16 the Navajo people, is being compromised for a
17 few extra dollars. The Din, Nation will not
18 benefit from Desert Rock. Our people have had
19 to deal with the negative effects from the two
20 existing power plants. There are numerous
21 accounts of cancer, autism and asthma. In
22 fact, asthma is the number one admission at

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1 Shiprock Hospital.

2 The construction of a third power plant
3 will have detrimental effects to the people and
4 the environment. This is environmental racism,
5 and the Navajo people should not be sacrificed.

6 That's what I have to say for right
7 now. Thank you.

8 MS. YOCOM: Thank you for your
9 comments.

10 The next speaker is Lori Goodman.

11 LORI GOODMAN

12 DIN• CITIZENS AGAINST RUINING OUR ENVIRONMENT

13 MS. GOODMAN: Hi. My name is Lori
14 Goodman, and I'm with Din, Citizens Against
15 Ruining Our Environment.

16 I question the modelings that were used
17 in your obtaining the permit. The assessment
18 didn't take into account the real world, you
19 know, the areas around here. And that's a main
20 concern, because peoples' health are being
21 compromised here. Indian health care in the
22 Four Corners is in jeopardy, and we do not need

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1 a third power plant.

2 The modeling used did not take into
3 account people that lived directly around the
4 area, the Four Corners area, and in fact used
5 data from as far away as Rio Rancho, near
6 Albuquerque, to say that the air is clean
7 enough that it can take another power plant.

8 What this spells out for the Navajo
9 people is currently the health care on Navajo
10 land, IHS on Navajo land, is only 70 percent
11 funded, and there is a 25 percent vacancy rate
12 for doctors and nurses. So you are adding
13 insult to injury by saying that the air is
14 clean enough for another power plant.

15 In 2005, the Government Accountability
16 Office reported the Indian health care delivery
17 system to be dismal and severely underfunded.
18 Further, the 2004 U.S. Commission on Civil
19 Rights documented the significant funding
20 disparity for Indian health care. While per
21 capita health care spending for the general
22 U.S. population is \$5,000 per year, per capita

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1 spending for IHS benefactors is \$1,900. The
2 U.S. government spends twice as much per
3 capita, \$3,800, on health care for the federal
4 prisoners as it spends for Native Americans.

5 To put another power plant in here,
6 that is genocidal. The process here, the
7 assessment process, also did not take into
8 account the Executive Order on Environmental
9 Justice 12898, and it is not addressed. That
10 is the population who you are going to be
11 putting a third power plant on.

12 The area, according to the 2000 Census,
13 all the communities surrounding the area where
14 the power plant will be are all below poverty
15 level. The Executive Order of Environmental
16 Justice demands that you take into account
17 where you are putting these polluting
18 industries, and that you need to be looking
19 into making sure that you are not putting these
20 polluting industries in poor communities, which
21 is what this is doing.

22 In the modelings being used, you are

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1 not taking into consideration that these
2 communities need a better job than what has
3 been done here with your approving the air
4 permit. In fact, in 2002, Region 6 did an
5 ozone -- were measuring ozone, did monitoring
6 to have a unit in Sanostee, New Mexico, right
7 near the Chuska Mountains. On July 22, its
8 reading was higher than where the power plant
9 is, and that was not even taking into
10 consideration in your saying that the air is
11 clean enough. So the air permitting that you
12 okayed was a sham. You need to do a better job
13 and consider the people here.

14 MS. YOCOM: Thank you very much for
15 your comments.

16 I'm getting a signal that we need to
17 take a brief break for the recording. So let's
18 take about ten minutes, a ten-minute break.
19 Then we will come back.

20 The next person who will be speaking
21 will be Robb Thompson.

22 (Whereupon, a brief recess was

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1 taken.)

2 MS. YOCOM: Our next speakers will be
3 Robb Thomson, Greg Anesi, and Dave Kinsey. If
4 you want to come to the microphone, Robb
5 Thomson, and if the others could come to the
6 front so that they are ready when it is their
7 chance to speak.

8 ROBB THOMSON

9 INTERFAITH ALLIANCE FOR ENVIRONMENTAL
10 STEWARDSHIP

11 MR. THOMSON: My name is Robb
12 Thomson. I live in Santa Fe. I am the Chair
13 of the Interfaith Alliance for Environmental
14 Stewardship. Our members are members of
15 various congregations in the Santa Fe area. We
16 are also an arm of the New Mexico Conference of
17 Churches, and through the churches that belong
18 to the Conference, they represent 600,000 New
19 Mexicans.

20 Our purpose is to encourage
21 environmental stewardship so that the earth can
22 continue to provide a nurturing environment for

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1 mankind and for other forms of life. We
2 believe that the ethical and the moral
3 imperatives to ensure this purpose are central
4 to all religions throughout the world.

5 The science has finally made clear that
6 global climate change poses a serious threat to
7 a nurturing planet with some indications that
8 that threat may be more immediate than in the
9 distant future, and that the effects could be
10 very serious to both humans and to other
11 species.

12 The fundamental fact, of course, as you
13 are aware, about human induced climate change
14 is that it is driven by historically
15 unprecedented levels of greenhouse gases
16 churned into the atmosphere as a product of
17 modern industrial life, and that the current
18 increase of global greenhouse gas emissions
19 leaves only a very guarded prognosis for
20 avoiding ruinous global climate change.

21 The proposal before you, however, to
22 build an enormous, 1,500 megawatt coal burning

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1 plant at Desert Rock flies completely in the
2 face of the need to reduce greenhouse gas
3 emissions. If built, the CO2 emissions from
4 Desert Rock have been estimated, and I'll leave
5 the report in my written comments, it has been
6 estimated to increase the greenhouse emissions
7 from all power plant generation in New Mexico
8 by a factor of one-third. If you take all of
9 the greenhouse gas emissions from all sources,
10 power plants, automobiles, homes and so forth,
11 this plant all by itself will increase
12 greenhouse emissions in the state by a factor
13 of 14 percent.

14 Given the fact that such a plant has,
15 roughly, a 50-year life, and the enormous
16 difficulty in achieving any increase in
17 greenhouse emissions in the state by other
18 initiatives, all by itself, building this plant
19 will deal a fatal blow to any feasible midterm
20 ambitions to limit greenhouse emissions in the
21 state of New Mexico.

22 On the other hand, as one of the other

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1 speakers noted, if the power plant is not
2 built, there are other options with ultimate
3 practical promise which exist for meeting
4 future electricity demands, not only in New
5 Mexico, but in the western region.

6 I have some specific comments or
7 questions to the EPA. One, will the permit
8 hold Sithe to the greater standards regarding
9 particulates, SO₂ and NO_x quoted in the Sithe
10 proposal? Will you hold them to those
11 promises?

12 Will the EPA consider best available
13 control technologies, such as an IGCC plant, in
14 granting the permit?

15 Number three, does the EPA consider the
16 substantial addition of mercury pollutants
17 harmful to the public in view of the already
18 controversial levels of emissions from other
19 power plants in this vicinity?

20 We believe that the Desert Rock plant,
21 as presently proposed, with its large
22 greenhouse gas emissions, will be harmful to

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1 the state, will be harmful to the people of the
2 country and the U.S., and that it represents
3 bad public policy, and that it should not be
4 built.

5 Thank you.

6 MS. YOCOM: Thank you for your
7 comments, sir.

8 The next speaker is Greg Anesi.

9 GREG ANESI

10 FARMINGTON, NEW MEXICO

11 MR. ANESI: Good afternoon. My name is
12 Greg Anesi. I'm a resident of Farmington. I
13 was born in Durango. I've lived in this area
14 all my life. I'm sorry, I had short notice,
15 and there doesn't look like there are a lot of
16 speakers, but I want to register my opposition
17 to this plant. I personally see the pollution
18 coming out of Four Corners Plant and San Juan
19 Generating Plant. I appreciate this is a new
20 plant that will have better controls, but in
21 this part of the world, I feel that we have
22 such bad pollution, bad mercury, and bad sulfur

00052

1 dioxide coming out of these plants. I'm not a
2 scientist, but I see the effects. I personally
3 have friends that their children have gotten
4 leukemia, which I think is tied to the mercury,
5 and while I'm not prepared technically, I'm
6 also extremely disappointed that no hearing was
7 held in Farmington, which is the largest city
8 in the Four Corners region. I think that's a
9 disservice to the public, that it wasn't held
10 there, and also a disservice to the EPA,
11 because you're not going to get those comments.

12 Anyway, thank you for the opportunity.
13 I just wanted to register my opposition.

14 MS. YOCOM: Thank you very much.

15 The next speaker is Dave Kinsey.

16 DAVE KINSEY

17 FARMINGTON, NEW MEXICO

18 MR. KINSEY: Hi. My name is Dave
19 Kinsey. First, I was very disappointed there
20 wasn't a public hearing in Farmington. I kind
21 of have the same feelings that Greg mentioned
22 about that. I think it is a disservice.

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1 At any rate, I want to register my
2 opposition to this project. I mean, I've lived
3 here since 1956 and have seen, visibly and
4 through friends that have died through cancer,
5 the problems that I feel have been caused by
6 the amount of pollutants in the air in this
7 area. I hope that -- I don't know that these
8 hearings can actually do anything to change the
9 EPA's feelings about which way they will go
10 with accepting the permit or giving a permit to
11 this project, but I'm hoping -- I know it looks
12 like that they are going to get it anyway, and
13 so I hope that's not the case. I think that
14 there are certainly alternative forms of
15 energy that we should explore. I mean, coal
16 is the nastiest thing we could probably pump
17 into the -- you know, generate energy with.

18 This is a very high energy area with
19 the natural gas and the wind. I mean, there
20 are tons of different alternatives without
21 pumping this atmosphere full of the pollutants
22 that a coal fired generated power plant does.

00054

1 I just wanted to register my opposition.

2 Thank you very much.

3 MS. YOCOM: Thank you for your
4 comments.

5 All right, at this point, we have gone
6 through all of the speaker cards. So everyone
7 who has registered so far to speak has spoken.
8 I'm going to go through the list of people who
9 have signed up on email to see if they've come
10 in since we called their names at the beginning
11 of this session.

12 Emile Benally, Dorothy Red Horse,
13 Robert Gomez, Charles Vaughn, and Brad
14 Bartlett, who I'm pretty sure is not here.

15 Is there anyone else who is here in the
16 room right now who would like to speak and who
17 has not had an opportunity to speak yet?

18 (No response.)

19 QUESTION: Can we speak in the next
20 session?

21 MS. YOCOM: Yes, you can speak -- there
22 is also another session. This session is

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1 scheduled to run from 1 p.m. to 5 p.m., and
2 then there is an evening session from 6 p.m. to
3 9 p.m.

4 QUESTION: Are we allowed to sign up
5 now for the evening session?

6 MS. YOCOM: If you want to sign up to
7 speak now, or if you want to sign up for the
8 evening session, you can do either one at the
9 registration table. Do you think you want to
10 speak tonight?

11 QUESTION: Tonight, yes.

12 MS. YOCOM: Certainly, if there is
13 someone here who would like to speak tonight
14 and wants to register now, they can certainly
15 do that.

16 You would like to speak now? Could we
17 get you to sign a Speaker Request Form, just so
18 we have your name and pertinent information,
19 mailing address if you want copies of the
20 decision and the like.

21 BENSON BITSUI

22 FLORA VISTA, NEW MEXICO

00056

1 MR. BITSUI: My name is Benson Bitsui.

2 I am from Flora Vista, New Mexico. I've been
3 with Local Union 611 for 25 years and worked at
4 both power plants, San Juan Power Plant and APS
5 Power Plant. I think we talk about pollution,
6 air quality, you know. I think nobody really
7 sees what goes on at night at these two power
8 plants, you know. A lot of that pollution
9 that's going on, these two power plants, they
10 shut off their scrubbers at midnight, and they
11 open back up using their scrubbers in the
12 morning, at six in the morning. One of these
13 days, maybe just go over there and approach
14 those two power plants around about 5:30 in the
15 morning. You'll be seeing nothing but black
16 smoke coming out of those two power plants,
17 especially APS. You know, because I worked
18 there for eight, ten years. I moved in this
19 area back in 1988, 1987, and I work off and on
20 at those two power plants. Sometimes on
21 weekends, you'll see that. That's why you see
22 every morning, you'll see that haze, all clear

00057

1 across the reservation. If you are coming in
2 from Albuquerque in the morning, you'll see
3 that.

4 What we should be really approaching is
5 fighting these two power plants that are
6 existing right now. They are not getting to
7 the standard of what Desert Rock is trying to
8 do.

9 You know, one of the main things that
10 the Navajo Nation will lose out on, you know,
11 there are three good opportunities. The Navajo
12 Nation will be getting revenues, they will be
13 getting employment. Right now, the Navajo
14 Nation is 70 percent unemployment, just about.
15 With that opportunity, if that project goes,
16 450 to 500 Native Americans could be trained in
17 various trades. You know, I think that's one
18 of the top priorities, is training and
19 educating our youth to be tradesmen in whatever
20 trade they can get into.

21 On top of that, they will get 200
22 permanent jobs at the plant, 200 permanent jobs

00058

1 at the BHP mine. Then, you know, right now the
2 whole reservation wide and off the
3 reservations, Border Town, we get anywhere from
4 700 to 800 young Native Americans graduate from
5 high school. Only 49 percent are equipped
6 academically to go to school and college. You
7 know, a lot of them are not ready. Twenty
8 percent of that 700 to 800 go to college.
9 Maybe another 20 percent, maybe if they are
10 lucky, go to technical school, and 50 percent
11 maybe go into the military; 45 percent are
12 unemployed, like the rest of the reservation.
13 I think that's where we need to really look at
14 it. These are some of the benefits the Navajo
15 Nation could lose out on.

16 Sure, we could not build the power
17 plant, but we'll still have pollution, we'll
18 still have cancer and other illnesses from
19 these two power plants. That's where we really
20 need to focus on. I think that's where we need
21 to be fighting.

22 I always say if a truck was built back

00059

1 in 1960, you know, it doesn't have a catalytic
2 converter. When you see an old truck running
3 down the road, you'll see that black smoke
4 coming out of that tailpipe. But if you see a
5 2006 pickup running down the road, you don't
6 hardly see that much smoke. So there is a
7 difference. APS was built back in the early
8 sixties, and PNM was complete in 1980. So both
9 of those power plants are anywhere from 30 to
10 40 years old. I think that's where we really
11 need to focus on that. I think the last ten
12 years the two plants have been working on their
13 emission control, but I think they need to
14 really upgrade that.

15 Then, on top of that, I think you guys,
16 as EPA, I think you guys need to see what's
17 going on out there at night, you know, because
18 they've got that black smoke coming out. And
19 it's there. We don't need to go up to La Plata
20 or Mesa Verde. Just go drive out there in the
21 morning, you know, at 5:00 in the morning, and
22 you'll see that. We've mentioned that to APS,

00060

1 their environmental. They just brush us off.

2 Because I know. I work out there.

3 I think, other than that, that's all I

4 wanted to share with you guys. I think that

5 needs to be brought to your attention. I think

6 we need to focus on these existing power plants

7 right now.

8 Thank you.

9 MS. YOCOM: Thank you very much.

10 Is there anyone else in the room who

11 would like to speak who has not had an

12 opportunity to do so yet?

13 Because this is scheduled to last until

14 5 p.m. and some people may have to drive some

15 distance and may arrive later, I think what

16 we'll do is adjourn for, let's say, it's now

17 3:30. Let's adjourn until 4:15, and we will

18 reconvene and see if any more speakers have

19 come in the interim.

20 Did somebody raise their hand that

21 wanted to speak before we adjourn? I don't

22 want to miss anybody if somebody wants to

00061

1 speak.

2 All right. So we'll reconvene at 4:15
3 and see if any more speakers have arrived in
4 that time.

5 Thank you.

6 (Whereupon, a recess was taken.)

7 MS. YOCOM: We don't have any other
8 speaker cards. Is there anyone else here who
9 wanted to have a chance to speak before we
10 close this afternoon session?

11 (No response.)

12 MS. YOCOM: We have another session
13 that begins at 6 p.m. and will run until 9 p.m.
14 As we don't have any speakers right now, I'm
15 going to go ahead and close this afternoon
16 session, and we will reconvene for the evening
17 session at 6 p.m.

18 As a reminder for those of you who may
19 not be here in the evening, the public comment
20 period ends October 27th, 2006.

21 This public hearing is now closed.

22 Thank you all for coming.

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1 (Whereupon, the afternoon session
2 of the public hearing was closed.)

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1 BEFORE THE UNITED STATES
2 ENVIRONMENTAL PROTECTION AGENCY
3 EVENING SESSION

4 ----- x

5 Public Hearing :
6 PROPOSED CLEAN AIR ACT :
7 PERMIT FOR PREVENTION OF :
8 SIGNIFICANT DETERIORATION OF :
9 THE DESERT ROCK POWER PLANT. :

10 ----- x

11 October 4, 2006
12 Shiprock, New Mexico

13 Panel
14 Danita Yocom, Hearing Officer
15 Gerardo Rios, EPA
16 Bob Baker, Region 9 Air Permits Office
17 Rose Graham, Interpreter
18 Justine Hannaweeke, Court Reporter
19 EPA Staff

20

21

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1 P R O C E E D I N G S
2 MS. YOCOM: Opening remarks. (Please
3 see Afternoon Session.)
4 MR. RIOS: My name is Gerardo Rios. I
5 am the Chief of the Permits Office. Thank
6 you for coming. The subject of today's
7 public hearing
8 is the proposed Clean Air Act Permit for the
9 Desert Rock Power Plat. The purpose is to
10 allow you to comment on this proposed permit.
11 You may have heard of different hearings
12 related to Four Corners Power Plant. They are
13 separate from this hearing. You can get
14 information about that at the informational
15 tale near the entrance.

16 What is the project? The project is
17 a coal-fired electric generating facility It
18 is projected to produce 1,500 megawatts of
19 electricity, which is the equivalent of
20 about 1.2 million homes per year, located 25
21 miles south of Shiprock, New Mexico.

22 In addition, the sources of air

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1 pollution covered by the proposed permit will
2 include two large boilers, emergency
3 generator and fire pump and a smaller
4 auxiliary boiler and material handling.

5 Just briefly, let me run through the
6 permitting process. This schematic shows you
7 the general air permitting process that we go
8 through. First is the application for the
9 PSD permit, which is the first box. After we
10 receive an application, we do a technical
11 analysis for what is submitted to determine
12 compliance with the regulations. That's the
13 second box. After we are satisfied all the
14 requirements are met, we propose the permit.
15 That's the third box. After we propose the
16 permit, we open a public comment period for
17 review of the permit, and that includes this
18 hearing. That's the fourth box. After the
19 close of the public comment period, we
20 respond to comments in writing. That's the
21 fifth box. After we put our responses
22 together, we then make a decision whether or

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1 not to issue the permit. So that's our final
2 action.

3 After that action, there is an
4 opportunity to appeal the permit. We are
5 currently at the public review and comment
6 stage of this proposed permit, which are
7 represented in the two yellow boxes.

8 The following are some topics to
9 consider for your comments: our best available
10 control technology determinations, the effect
11 of proposed facility and ambient air quality
12 and visibility, including the public health

13 standards called the National Ambient Air
14 Quality; effects, if any, on
15 special national parks and wilderness areas
16 designated as Class I areas.

17 For more information on the
18 proposed permit, please visit the
19 information table at the entrance.

20 We encourage you to comment on this
21 proposed permit. To comment, please e-mail
22 your comments to desertrockairpermit@epa.gov

0007

1 or you can fax comments to 415-947-3579, to
2 the attention of Bob Baker. They must be
3 submitted by October 27th. You can also mail
4 comments and they must be postmarked by
5 October 27th. Mail them to the address
6 listed on the screen, which is to Robert
7 Baker, in the division at EPA at Region 9 at
8 75 Hawthorne Street, San Francisco,
9 California, 94105. You may also hand in a
10 speaker card and comments today. If you want
11 to submit written comments today, put them in
12 the comment box, which is near our
13 information table at the entrance.

14 (Mr. Rios' remarks translated by
15 Rose Graham.)

16 MS. YOCOM: Our first speaker is
17 Albert Shirley.

18 ALBERT SHIRLEY

19 FT. WINGATE, NEW MEXICO

20 MR. SHIRLEY: Good evening. My name
21 is Albert Shirley. I'm affiliated with the
22 Office of the Majority Leader in the New

0008

1 Mexico House of Representatives. There in
2 the legislature, we get a lot of legislative
3 proposals from our Indian community. My job
4 is to look at these proposals to make sure
5 that they are in compliance with numerous
6 laws, federal laws, state laws, and tribal
7 laws. That's what we do. So we come out
8 here to these types of hearings and observe
9 and hear and to make sure we see what is

10 going on ourselves, because you can't really
11 believe Desert Rock when it tells you that
12 there is no opposition to this project. You
13 can't believe the media when they tell you
14 that all the Navajo people are in opposition
15 to this proposal. So we come out here to
16 hear for ourselves, and also to participate
17 in these public hearings because, first off,
18 it is what we promise to the people, is that
19 we will allow them to be participants in
20 policy making. So we offer these public
21 hearings, and I appreciate that. I want to
22 express my appreciation for that.

0009

1 On the issue of energy development,
2 around here it is a very touchy issue
3 concerning a lot of matters. Tonight we are
4 expressing our concerns over some health
5 issues. These issues, I think a lot of
6 people are trying to decide if they are for
7 it or against it. I'm hoping that my people
8 are weighing, giving their serious
9 consideration and weighing out these matters
10 against each other and really deciding what
11 is good for all of us overall. I hope that
12 whatever knowledge we gain will make us
13 control our emotions and really look at
14 matters on behalf of our people. That's what
15 I'm hoping comes out of these hearings.

16 I heard concerns about mercury
17 emulsions, I heard concerns about global
18 warming, and matters of those concerns. I
19 heard a lot of concerns about unemployment
20 rates of the Navajo people, the need for job
21 developments, and all of that.

22 A further observation. Everyone in

0010

1 here is dependent on electricity. I don't
2 think anybody will want to go without
3 electricity from here on. We are used to it.
4 And that's another consideration that we have
5 to take is that our population is constantly
6 exploding, expanding. There is always a

7 heavy need for energy. That's a fact, and
8 that's not going to stop. We have to deal
9 with that.

10 Then I'm glad to see, with this
11 Desert Rock proposal, I think it is an
12 expression of self-sufficiency and practicing
13 your governmental sovereignty. I believe
14 that's what the Navajo tribe is doing with
15 this project. If we don't use our resources,
16 especially with energy development, this
17 country is going to get us out of the power
18 grid, and then when we are out of it, all of
19 our resources are going to be out of our
20 control. We won't even be allowed in the
21 future, if we are out of this power grid, to
22 have any say on our behalf.

0011

1 So I think this proposal is an
2 attempt to get us to be a major player in
3 this power grid of this country, and that's
4 what we need to do. While we are expressing
5 our sovereignty, there is a lot of political
6 opposition to that expression that concerns
7 me, too. People tell us that they are going
8 to take away our energy, our natural
9 resources for the sake of the national
10 security of this country. When we get talked
11 to that way, that's very disrespectful. You
12 don't respect us. It is a threat to us.

13 We already are working in a
14 government-to-government relationship with
15 other governments, and it is a very
16 respectful one that we nurtured and it is
17 very strong. That's the road we want to go
18 on, rather than someone threatening to take
19 our land, our resources away from us in the
20 name of national security. It's not what we
21 want. If we are not a player in this
22 national market, that's what is going to

0012

1 happen. So I'm glad to see the development
2 of the Desert Rock project.

3 Another thing that I'm glad that has

4 happened with these public hearings is the
5 fact that we're finally talking about these
6 two existing power plants which is polluting
7 our air. I'm glad we finally are talking
8 about them. We need to clear up their act.
9 If they don't clear up their act, Desert Rock
10 might use the excuse to say they are not the
11 one who is polluting and will be pointing the
12 finger over there. So we need to clean up
13 this act. You guys need to do that and help
14 us. Then Desert Rock must uphold what it
15 promised to do.

16 Thank you very much.

17 MS. YOCOM: Thank you for your
18 comments.

19 The next speaker is Virgil Kirk, Jr.
20 He is not here. I'll put his card at the
21 bottom of the stack, and maybe he will come
22 back later in the evening.

0013

1 The next speaker is Steven Begay.

2 STEVEN C. BEGAY

3 DINE POWER AUTHORITY

4 MR. BEGAY: Good evening. Thank you
5 for sponsoring this public hearing for the
6 Desert Rock air permit. My name is Steven C.
7 Begay. I'm general manager for Dine Power
8 Authority, and my clans are (spoken in Navajo
9 language).

10 The Navajo Nation consists of 30,000
11 people, at least 60 percent living on, about
12 40 off. The Dine Power Project was our first
13 project as Dine Power Authority. We are an
14 instrumentality of the Navajo Nation as an
15 enterprise. There are a number of
16 enterprises that work within the three-branch
17 structure of the Nation. It's a government.
18 As the last speaker said, there are certain
19 sovereignty events and issues that we are
20 trying to deal with in moving forward in the
21 future.

22 We are set up to do transmission and

0014

1 generation projects on a large scale for the
2 Navajo Nation and to use the resources of the
3 Nation that the Nation commits or gives to
4 the projects that we sponsor.

5 I believe that Dine Power Authority
6 has a role. There is an economic story that
7 we have. One, we are working on the
8 transmission project to help reliability in
9 the region, because it needs transmission;
10 second, that has spurred opportunity to
11 develop other projects, a generation project
12 that we are doing with Desert Rock.

13 We are looking at renewables as
14 well. We are currently assessing a wind
15 project in the western part of the
16 reservation.

17 So what we are doing is meeting the
18 desperate need of the southwest for power in
19 the future. In the West, it is reported
20 there is a need for 80,000 megawatts in the
21 next 20 years. Renewables is part of the
22 picture, but that's going to take time.

0015

1 Right now, Arizona, Nevada, New Mexico demand
2 about 1,000 megawatts of new generation per
3 year to take care of their growth rate.
4 There were 2,300 megawatts of power that were
5 requested this past summer by the regional
6 utilities in the area to meet post 2010, 2012
7 demand.

8 We believe that Dine Power
9 Authority, with the support of the Navajo
10 Nation, has found a development partner that
11 we brought in. The Power Authority did this
12 to bring in generation and transmission
13 projects that we are working on.

14 The second thing I'd like to cover
15 is the economic benefits to the Nation and to
16 the communities. You know, the Nation was
17 involved from the beginning. We had numerous
18 team meetings to work on the lease, the
19 sublease, the water agreements, the tax
20 agreements, the different arrangements that

21 we were trying to work on, trying to get an
22 equity interest by the Nation and ourselves.

0016

1 We're working on that now, assisting Sithe
2 Global in the permitting for the air and also
3 doing the EIS work. There are a lot of
4 Navajo workers out there currently involved
5 in the EIS process. I know that's not the
6 subject here, but in Durango they are saying,
7 why can't you align these two together?
8 That's for your consideration. But there
9 will be \$50 million or more of revenue
10 payments to the Nation in terms of taxes and
11 royalties and such.

12 What this translates to is health
13 care, more police services. There are many
14 unmet needs and scholarships, community
15 benefits, infrastructure that I think this
16 project will bring. That \$50 million a year
17 translates to about 30 percent of the annual
18 budget. So if the \$50 million is spread
19 evenly, every program can have 30 percent
20 more to use to carry out their unmet needs.

21 Construction-wise, 400 new jobs will
22 be created at the mine and at the operations

0017

1 of the plant. A thousand jobs during the
2 four years of construction prior to
3 operations. There is an equity stake for the
4 Nation and the Desert Rock project, as well
5 as the transmission project. There are going
6 to be about \$3.5 million of taxes to San Juan
7 County that will benefit the community, the
8 schools and the college. Approximately \$20
9 million will be spent on sales taxes on
10 operation and maintenance in San Juan County.

11 There is a multiplier effect here.
12 There is a value-added approach that we are
13 trying at every step. When we deal with the
14 water or the lease, these other things, every
15 value-added thing to the project we are
16 trying to gain some benefit for the benefit
17 of the Nation and its people. And these

18 activities will help add other value-added
19 opportunities. So we are trying to use our
20 resources in some value-added sense that we
21 haven't done before.

22 Next, environmental performance is a
0018

1 priority. IGC was mentioned. There is only
2 one unit having problems. It's not a
3 controlled technology, as defined in the
4 regs. It costs a lot. It doesn't have a
5 better emissions performance story. It
6 doesn't work well in high altitudes, and the
7 gasification requires a place for a waste
8 stream. Desert Rock will set new standards.
9 It has proven emissions technology to
10 significantly reduce emissions. The water
11 was reduced significantly to respond to the
12 community concerns. Instead of a wet plant,
13 it's now a hybrid dry cooling plant. It will
14 have one tower with very high dispersion. It
15 will have a demolition fund that we
16 negotiated, so at the end of the life of the
17 plant there will be a fund that we can use to
18 put the land back to use. Navajo preference
19 will be used, and there are some controlled
20 technologies. CO2 is not a pollutant, as I
21 said, and the cybercritical technology will
22 reduce the CO2 emissions by 15 or 20 percent.

0019

1 This is due to a higher efficient boiler
2 which operates at a higher heat rate.

3 So that's the story that I'd like to
4 tell on behalf of DPA. Thank you.

5 MS. YOCOM: Thank you very much.

6 The next speaker will be Gloria Emerson.

7 GLORIA EMERSON

8 WATERFLOW, NEW MEXICO

9 (Ms. Emerson's comments in Navajo
10 were translated by Esther Yazzie-Lewis, a
11 contracted Navajo interpreter not present at
12 the hearing.)

13 MS. EMERSON: Thank you for coming.

14 Hello, I am Gloria Emerson from

15 Hogback. I am tsenabahilnii (Sleep Rock
16 People clan) and born for To'aheedliinii (The
17 Water Flow Together clan). Hooghan Lani (Many
18 Hogans Clan) are my paternal grandfather and
19 Kinyaa'aanii (The Towering House clan) are my
20 maternal grandfather. That is how I am a
21 woman.

22 I would like to start by saying that
0020

1 I respect the last speaker's comments, and I
2 know that Desert Rock has done a lot of work
3 to prepare its position and prepare to
4 analyze the need for jobs and the need for
5 new energy, new sources of energy within this
6 area. I too, as a Navajo woman, am concerned
7 about the need that we have for more jobs,
8 more resources for all of our people, not
9 just for those of us within the Four Corners
10 area.

11 I'm also concerned about how we, as
12 Navajo people, to allow our tribal government
13 to exercise its sovereignty. The sovereignty
14 is a beautiful idea if we can remember the
15 tenets and the heritage that we bring as
16 Navajo people to this time. Our people's
17 aesthetic, our humanities, our histories,
18 even within the language, all of it bespeaks
19 of our love for our environment and for the
20 sharing and the care that we have within our
21 biospheres.

22 Beyond the strong feelings I have
0021

1 for protecting our environment, I'm also
2 remembering that there are many things that
3 are not known about this new energy company.
4 We already know the pollution and the
5 careless and reckless ways of the current
6 power and energy companies. We would like to
7 truly believe that the Navajo Nation has a
8 far vision, a vision that carries wisdom and
9 care for the people, as was demonstrated by
10 the previous speaker.

11 But there are the unknowns. How

12 will this affect our health? We already have
13 serious illnesses within this area. You go
14 out where I live, the Hogback, and I see
15 almost daily pollution in the air. It saddens
16 me. I know that in some ways we are
17 contributing to global warming in this area.
18 I'm proud to say at the moment that the
19 Navajo Nation is not the contributor to those
20 immense pollutions that are within the skies.

21 How can we reconcile the past with
22 the future, and how can we, as Navajo people,
0022

1 come up with the jobs and come up with large
2 scale jobs that we all want? How can we come
3 up with the energy that will drive us and
4 help us get into the next century?

5 I worry about the respiratory
6 illnesses. I worry about the illnesses, the
7 cancer, the leukemia that's already within
8 our midst. How will this new energy company
9 help us? It seems to me like we need jobs,
10 but what if we have jobs from Desert Rock and
11 we fall prey to more illnesses?

12 Then I think about the people who
13 live within the area. Granted, they may be
14 happy to exchange their homelands for this
15 large scale energy company, but I am
16 concerned about them and their lives. I
17 think that we need to think large and to
18 think small, as well.

19 I'm concerned about the degradations
20 on the national archeological sites. I'm
21 concerned about what happens to Chaco Canyon,
22 to Aztec, to the Mesa Verde, because that,

0023

1 too, is part of the ancient history. That is
2 part of the heritage of the ancient people
3 and the people who are indigenous to this
4 continent.

5 All over America we are losing
6 ground. Sacred places are being lost to
7 development and to progress.

8 So these are my thoughts. Thank you

9 for allowing me this time to speak.

10 MS. YOCOM: Thank you very much for
11 your comments.

12 The next speaker is Clayton Benally.

13

14 CLAYTON BENALLY

15 SHIPROCK, NEW MEXICO

16 (Mr. Benally's Navajo remarks are
17 translated by Esther Yazzie-Lewis) Thank
18 you, members of the panel and committee.

19 MR. BENALLY: My name is
20 Clayton Benally. Kinyaa'aanii (The Towering
21 House clan) is my clan. Tl'aashchi'i (The
22 Red Streak People clan) is who I am born for.

0024

1 Kinlichii'nii (Red House clan) are my
2 maternal grandfather and Todich'ii'nii
3 (Bitter Water clan) are my paternal
4 grandfather. I live here in Shiprock. I've
5 been following this project for several
6 years. I am speaking for myself and want to
7 tell you that I am for this project.

8 I am also employed and am a member
9 of the International Union of Operating
10 Engineers. Unfortunately, I do not have the
11 authority to speak for them. We do have 700
12 members in this area that work in the mining
13 and construction industry and also have jobs
14 in the power plants. They will be directly
15 affected by this project. This project is
16 under the most stringent regulations that
17 this industry has known. This is a state of
18 the art power plant that is going to be the
19 leader in other power plants that are built
20 throughout the United States.

21 What I'd like to do is liken this to
22 a brand new Cadillac. You get a brand new

0025

1 Cadillac that has the most stringent emission
2 controls out there. It is not a Ford or
3 Chevy that is built in the sixties and
4 seventies. You know, it gets better gas
5 mileage, it's regulated, and it's got better

6 emissions, even though I do not want to
7 offend members of the APS and San Juan
8 generating communities, because they are
9 doing their best to control their emissions.
10 They are adding back outs and scrubbers, they
11 are investing money to clean up their act and
12 take control of their particulate matter that
13 is released in the air that causes the haze
14 in this area, which also means more jobs for
15 our members, more jobs for people that are
16 Navajo Members that go off the reservation
17 and find jobs to support their families, that
18 make sacrifices to better themselves.

19 The construction industry, I worked
20 in the construction industry, the pipeline
21 and power plant industry. I sacrificed my
22 time to be away from my family to support

0026

1 them so that they can have more than I had
2 when I grew up. I think it doesn't matter
3 who you are or where you are from, you know,
4 you always want your kids to have the best
5 that they can have. This project would mean
6 that these people would come back home to
7 work here at home, to be part of their
8 families, to watch their children grow, to
9 enjoy all that a family unit has to enjoy.

10 Like I said, I support this project.
11 I believe that it will be the forerunner of
12 all projects to come in this area. It will
13 draw people back. It will make families
14 stronger. It will be an economic boon to the
15 communities surrounding this area. It will
16 bring money in, it will create jobs, and this
17 will be good for everybody.

18 That's about all I have to say.
19 Thank you.

20 MS. YOCOM: Thank you very much for
21 your comments.

22 I have a signal that we need to make

0027

1 a change for the recording. We have quite a
2 few cards to go through. So let's take a

3 quick break, five minutes, and then we will
4 come back and resume the speakers.

5 (Whereupon, a brief recess was
6 taken.)

7 MS. YOCOM: Let's resume. We are
8 resuming after the break.

9 The next five speakers are Clarence
10 Cly, Christopher Clark Deschene, I hope I'm
11 saying that correctly, R.G. or Carla Hunt,
12 and Christopher Lee. If you could come sit
13 in the front row. Clarence Cly, if you want
14 to come directly up to the microphone.

15 CLARENCE CLY

16 FRUITLAND, NEW MEXICO

17 MR. CLY: Thank you. My name is
18 Clarence Cly. I'm a permit holder of the
19 Hogback Woods. The power line is going to be
20 extended out towards the south, which is -- I
21 don't really agree with the power line
22 running through my grazing area. I've got an
0028

1 uncle who is herding sheep out there right
2 now. What you guys are talking about, the
3 clean air that's going to be going on,
4 comparing with the San Juan and Four Corners
5 power plant, every year they have an overhaul
6 going on. I was going to do it, with this
7 Desert Rock Energy which is going to have an
8 overhaul system going on.

9 My number one concern is public
10 health. There are some families still living
11 out there in the grazing areas. They are
12 herding sheep. They still continue. Also,
13 the livestock. There are things which they
14 eat, the sheep, and it is just not only to
15 the human health. It concerns the livestock.
16 Also, the land, destroying the natural land.
17 It's not going to be as usual, but it is
18 going to be -- it's not going to be what it
19 is going to be in the future. There is
20 beautiful land out there, what is there right
21 now. I'm going to keep this short. Thank
22 you for coming and letting us speak for

0029

1 ourselves. Thank you.

2 MS. YOCOM: Thank you for your
3 comments.

4 Our next speaker is Christopher
5 Clark Deschene.

6 CHRISTOPHER CLARK DESCHENE

7 DINE POWER AUTHORITY

8 MR. DESCHENE: I'm Christopher Clark

9 Deschene. I'm from Lichee, Arizona. I grew

10 up in the Page area. I represent Dine Power

11 Authority, but my story is personal,

12 cultural, and then it is also professional.

13 So I'm going to talk about three areas in the

14 time that I have.

15 First off, we moved to Page because,

16 in the seventies, they built a Navajo

17 Generating Station. The reason why this is

18 important, it is cultural, because at the

19 time the Nation didn't have the manpower, the

20 resources, or the expertise to help or even

21 input into that power plant. The chapter

22 itself received hardly any benefits until

0030

1 this day. The Nation may have some

2 agreements with it, but we don't have nearly

3 the benefits that are going to come out of

4 Desert Rock.

5 This story is cultural, because

6 there is a balance. The gentleman that just

7 spoke, I agree with him, it is a concern

8 protecting our resources. However, we are

9 also entitled, because this is our sacred

10 land, our Mother Earth. This is what we have

11 been given. The balance is whether we

12 protect that and how do we protect our

13 future. How do we protect our people. So I

14 think the earth itself was given for us to

15 use in a way that is good.

16 This is where it becomes personal.

17 Back in the seventies, that Navajo Generating

18 Station, maybe even Four Corners, San Juan,

19 there were no Navajos that were able to speak

20 for the Nation. Today, you have Steve Begay
21 talking for the Nation. You have myself.
22 I'm an attorney. Also, I'm an engineer. I
0031

1 know what power means. I know what the law
2 means. And I am working as the attorney for
3 Desert Rock, and we are here to help. So
4 that's how we are protecting you. That's why
5 it is personal, because I am here standing
6 and talking to these people in D.C. I'm also
7 talking to the developers who are out there,
8 but I'm also helping the Nation protect what
9 is theirs.

10 There is an idea with the government
11 that says that the Nations that are in this
12 country serve the Nation. There is even a
13 fancy paper out there that's called, "The
14 Navajo Nation Energy Colony for the United
15 States." That means all our resources go off
16 the Nation. That was written in the
17 seventies, based upon thinking that was used
18 in the fifties and sixties. Today, 30 years
19 later, we are here, and we're changing that.
20 That's why I'm here, so our resources don't
21 go off the reservation but, rather, we help,
22 through Dine Power Authority, which the

0032

1 Council set up in '86, through NTOA, which
2 they established in the late fifties.
3 Together, they are going to make this thing
4 happen. It takes time, but you know what,
5 we're here. I'm here.

6 So the remedies regarding that, how
7 do you get that? You get ownership. We have
8 ownership interest in this power plant, and
9 then there will be local benefits. You've
10 heard some of them.

11 When it comes to the concern of our
12 people, that is definitely a concern. Nobody
13 is minimizing that. We've heard a lot of
14 discussion about the adverse effects. But
15 putting on my engineering hat, putting on my
16 law hat, the bottom line when it comes to

17 this technology, it shouldn't scare us, but
18 you have Dine out there who understand this,
19 who went to school for this, and I'm one of
20 them. So let me just read you some basics.

21 For this project, environmental
22 performance is a priority. The EPA, the
0033

1 federal government right here, has said that
2 Desert Rock's environmental performance
3 standards are the most stringent in the
4 country and set a level of performance, a new
5 level for coal-fired plants. It will use
6 proven emission control standards that reduce
7 air quality emissions, like smog, which is
8 another fancy word for haze, particulates,
9 mercury, other greenhouse gases, like carbon
10 dioxide. It is going to reduce the global
11 warming.

12 Examples: Desert Rock will generate
13 90 percent less sulfur oxide, particulate
14 matters, nitrogen oxides compared to the
15 existing plants. It will generate 90 percent
16 less mercury. It will generate 90 percent
17 less sulfuric acid, 20 percent less CO₂, and
18 it will consume 85 percent less water.

19 The plant and the leaders who are
20 working on this project are working to
21 protect the interests of our people. And
22 people like me are here to make that happen.
0034

1 So it becomes personal because it is the
2 relationship and the harmony that we're
3 trying to establish in providing these
4 opportunities. But more so, putting Dine
5 people here to help us, that's what I am,
6 that's where it is personal, and that's why
7 I'm up here to share and let our people know
8 that yes, we do have Navajos. There's
9 nothing secret about it. We're here helping
10 our own people. So it is that balance of
11 getting the resources, protecting the land,
12 but also protecting our future.

13 Thank you.

14 MS. YOCOM: Thank you.
15 My next speaker card reads R.G. or
16 Carla Hunt. I actually have a second card
17 for Carla Hunt.

18 MS. HUNT: I have been discussing
19 our concerns, we have been discussing our
20 concerns with Mr. Jeff Stant, and we would
21 like to yield our time now and wait until he
22 makes his speech and work with him on that.

0035

1 MS. YOCOM: So you are ceding your
2 time to Mr. Stants?

3 MS. HUNT: Yes.

4 MS. YOCOM: Thank you.
5 The next speaker is Christopher Lee.

6 CHRISTOPHER LEE

7 SHIPROCK, NEW MEXICO

8 MR. LEE: Good evening, everybody.
9 My name is Christopher Lee, and I am a
10 resident of Shiprock, and I'm here on behalf
11 of myself and my family. I would like say
12 that I would like to reaffirm and reiterate
13 the State of New Mexico's comments regarding
14 the U.S. EPA's unwillingness to accept IGCC
15 as a viable back alternative for the proposed
16 power plant.

17 In addition, I am also disappointed
18 that U.S. EPA will not consider incorporating
19 the mitigation strategies into this PSD
20 permit. If this is not done, the next time,
21 to my understanding, that these mitigation
22 options could be incorporated into an

0036

1 enforceable permit would be either through
2 Tribal implementation plan or a federal
3 implementation plan. And with my experience
4 in knowing how long it takes for those things
5 to develop for tribes, I seriously doubt that
6 the Navajo Nation has the resources to
7 develop a tip for the plant with those
8 options included in the permit.

9 However, since the time is limited,
10 I also want to focus on another area that I

11 feel has been inadequately addressed by U.S.
12 EPA, and I will start that right now.

13 The issues I am concerned about are
14 the inputs into the air quality models
15 developed for the project. U.S. EPA, at a
16 public information meeting in Durango,
17 Colorado, has mentioned that source emissions
18 and other emissions inventory information was
19 provided by the State of New Mexico.
20 However, the State of New Mexico does not
21 maintain emissions tracking for sources
22 within the Navajo Nation boundaries.

0037

1 Therefore, these Navajo Nation emission
2 sources were not inputted properly into the
3 current models, with the exception of the
4 Four Corners Power Plant. In examining the
5 air quality impact report, it shows that
6 visibility at 11 of the closest 15 Class 1
7 areas will be impaired.

8 My question to U.S. EPA is, if it is
9 shown that visibility will be impacted at 11
10 of these Class 1 areas with incomplete inputs
11 into the current air models, how much more
12 visibility impairment will there be with a
13 complete and adequate set of inputs into the
14 models? That's the information from the
15 Navajo Nation that should have gone into
16 those models.

17 Additionally, the report states that
18 sources whose emissions were at a certain
19 level were also not included into the models,
20 and those sources, a 0.8 rule was applied to
21 those sources.

22 My question to U.S. EPA is, was

0038

1 there a certain threshold that U.S. EPA
2 considered in dismissing and discounting
3 those minor sources, and were enough of those
4 considered an area source? There are
5 literally thousands of minor source emissions
6 sources in the San Juan Basin at the
7 thousands of well head locations. These

8 sources by themselves are not significant
9 emission sources, however, taken as a group,
10 are significant contributors of air
11 emissions. A comprehensive emissions
12 inventory for these kinds of sources is
13 lacking for the Four Corners region of the
14 Navajo Nation and, therefore, have not been
15 included as inputs into the current air
16 models. This will also have an effect on the
17 model outputs.

18 I feel that U.S. EPA, Region 9,
19 needs to reevaluate the current air models
20 with complete and comprehensive data inputs
21 to assure adequate protection to those 11
22 Class 1 areas where visibility will be
0039

1 impaired before the PSD permit can be
2 approved.

3 Thank you.

4 MS. YOCOM: Thank you for your
5 comments.

6 The next five speakers are Irene
7 Hamilton, Tim Hamilton, David LeMoine, Mark
8 Povich, and Orion Yazzie. If Irene Hamilton
9 wants to come up to the microphone directly.

10 IRENE HAMILTON

11 FRUITLAND, NEW MEXICO

12 MS. HAMILTON: My name is Irene
13 Hamilton.

14 I first heard of this proposal 33
15 years ago when I was a college student. I
16 mean, it is the same plan. The technologies
17 have improved somewhat, but it is here again.

18
19 Anyway, so I feel like there has
20 just been a moratorium set on this plan to
21 build this power plant near Burnham.

22 In regard to energy development, we
0040

1 just have two choices: we either conserve or
2 we extract. I'm a teacher, so my concerns
3 come from that standpoint.

4 Also, I have a home in Fruitland,

5 New Mexico, near the two power plants, the
6 present two power plants. Also, I have a
7 home in Bluff, Utah. So I have concerns for
8 that home as well. I am an oil royalty trust
9 child in name only. I don't know who has
10 gotten wealthy with all that oil money. I
11 still have to go to work, like anybody else.
12 If I could figure out a way to put my hands
13 on that oil money, I would do that tomorrow.

14 Anyway, my other concern is the
15 atmospheric mercury. We hear a lot about
16 ethyl mercury, you know, after it falls out
17 of the sky, it gets into the water. And I
18 haven't read all the documents concerning
19 atmospheric mercury, but I know it is a
20 neurotoxin, especially in young children.

21 My third concern is water. As
22 Desert Rock is building this power plant, is
0041

1 there going to be a constant extraction of
2 water in a desert land? What is the answer
3 there?

4 Fourthly, geography. Is our
5 region's geography factored into modeling for
6 the fallout? Where we live, we're like in a
7 bowl. We're surrounded by these mountains,
8 and the air kind of just gets trapped in
9 here, except in the winter, the winds carry
10 the pollution downwind to my other home in
11 Utah. So I really, you know, the pollution
12 doesn't stop at the borders. The winter
13 weather patterns, a lot of times there is a
14 high pressure system that sits over the Four
15 Corners, and it will be sitting there like
16 days on end, and the air will just sit on us
17 with all the pollution and everything. So,
18 is geography and these weather patterns
19 factored in when they do the modeling for the
20 pollution fallout?

21 Then, just in closing, it was 84
22 degrees in my ride over here from Fruitland
0042

1 just a while ago. What do you think of that,

2 in October.

3 Thank you.

4 MS. YOCOM: Thank you very much.

5 Our next speaker is Tim Hamilton.

6
7 TIM HAMILTON
8 FRUITLAND, NEW MEXICO

9 MR. HAMILTON: Good evening, my name
10 is Tim Hamilton. I am an in-law to a Navajo
11 Nation for 18 years, and I also am a school
12 teacher. My father's family is from Sweden,
13 the Viking group, and my mother's family is
14 from Ireland. Both of those groups represent
15 warrior people. And I come here tonight on
16 behalf of my children.

17 Basically, I'm against Desert Rock.
18 I think that the only option for Desert Rock
19 would be to shut down the other two power
20 plants, and everything would be fine. I
21 drive to Farmington every day to go to work,
22 and every day on my way home, I can barely

0043

1 see the Shiprock. It's pretty amazing. It's
2 nice to be here in Shiprock tonight. I feel
3 like I can almost see the rock out there.

4 I am a native of the Golden State,
5 California. They've been dealing with
6 pollution out there for years. You drive to
7 California now, and you get into the
8 mountains out there, and the sky is brown out
9 there towards the ocean. Sometimes it's
10 black.

11 I also have a home in Fruitland
12 here. I share it with Irene. At 9:00 every
13 morning, you go outside, there is black smoke
14 coming up out of the chimneys. On this side
15 of the river, black smoke coming out of the
16 chimneys on this side of the river.

17 What are you going to do? Are you
18 going to compromise people's health for
19 money? Are we going to sell out to Desert
20 Rock? Who are these people? Granted, it
21 will give jobs to Navajos. It may give

22 electricity to some grandmas here and there.

0044

1 I think most electricity is going to go to
2 places like Phoenix, Tucson, San Diego. My
3 brother will have lights on in his house in
4 San Diego. What good is it going to do us
5 here? The air is horrible already.
6 My son was born in Chinle, Arizona.
7 My daughter was born in Gallup. There is a
8 pollution corridor all the way from Gallup
9 all the way to Cortez, Colorado. Go to the
10 mountains sometime over here by Dolores and
11 get up on the highest spot over there, and
12 you can see the pollution creeping up the
13 valley into Cortez. It's for real. It
14 doesn't matter what these people say that are
15 representing Desert Rock, they are on
16 somebody's payroll. Go outside and look for
17 yourself. There is mercury falling on the
18 top of my house at night when I sleep. It's
19 poison. What about your children and your
20 grandchildren?

21 I remember when I was living in
22 Chinle we would drive over Washington Pass,
0045

1 which is now called Narbona Pass, on our way
2 to Farmington, and you could actually see the
3 desert of New Mexico. It doesn't look the
4 same any more. That was 18 years ago. What
5 kind of options do you want here for you and
6 your children?

7 I also read an article recently in
8 the High Country News, about a power plant, I
9 think it was proposed in Montana or Wyoming,
10 I can't remember exactly which state now. I
11 can look it up, but the power plant was being
12 put into a community for reasons of profit
13 making only. The energy wasn't needed. The
14 energy was not needed. The company wanted to
15 build at the base of a coal bed, and the
16 people involved in it were there for monetary
17 reasons only, to make money. We all need
18 money to survive, but what are you willing to

19 compromise for that dollar?
20 They say the air is getting better
21 here in this area. I don't believe it. Go
22 outside every morning and look. Depending on
0046

1 the wind, depending on the rain, yes or no.
2 Spend a week here, looking around outside.

3 And, besides that, right across the
4 highway here there is a pile of uranium
5 tailings. That's already poisoning the
6 people in this area.

7 I don't have any questions for the
8 EPA, but I just wanted to get some things off
9 my mind. So thank you very much.

10 MS. YOCOM: Thank you for your
11 comments.

12 The next speaker is David LeMoine.

13 DAVID LE MOINE

14 FARMINGTON, NEW MEXICO

15 MR. LE MOINE: If we were playing
16 horseshoes, that would be good, but my name
17 is LeMoine. I'm just teasing.

18 MS. YOCOM: I'm sorry. I apologize.

19 MR. LE MOINE: I'm very happy to be
20 here. Thank you for the opportunity to
21 speak, but I'm very sad as well. My wife and
22 I accidentally went to the wrong building
0047

1 looking for this meeting. We went to a
2 formulating meeting for the high school
3 soccer teams. There are more people there at
4 that meeting.

5 Pirates of the Caribbean had 3,000
6 the first day to that movie. This is our
7 lives. Why is there not standing room only?
8 All right, I'm preaching. I'm done with my
9 preaching.

10 The other thing that saddens me
11 about the possibilities of this Desert Rock
12 plant being built is, I worry, you're not
13 going to believe this, but I have
14 grandchildren, I worry about their ability to
15 breath really deeply, really safely. I worry

16 about -- I'm going to be dead and gone, and
17 the additional air pollution that Desert Rock
18 adds to the air, ah, you know, I might make
19 it out of here before that, but I worry about
20 my grandchildren.

21 You know, there are some great
22 historical figures, like Edison invented the

0048

1 light, and he is remembered in history
2 forever for that light bulb invention. Jonas
3 Salk invented the polio vaccine and destroyed
4 a disease scourge that was sweeping the
5 country. This is the Navajo Nation's chance
6 to be remembered in history always. If you
7 could insist that the plant that they are
8 going to build be the very latest, purest
9 that could be made with our present
10 technology, you could just be visited by
11 China to see how you did it, India, another
12 country that's growing, their economies are
13 growing, and they are building power plants,
14 they might come and visit the Navajo Nation
15 to learn how to build a power plant
16 correctly, environmentally soundly. What a
17 chance to become part of history.

18 This global warming thing is going
19 to require a revolution to stop it, a
20 revolution in our thinking, and a revolution
21 in our building and provision of power
22 plants. One person tonight mentioned

0049

1 alternative energy. I get an awful lot of
2 wind at my house. I don't know about you
3 folks, but I think sticking a few windmills
4 up there might help things.

5 This is going to require a
6 revolution to change it before it is too
7 late, and every revolution requires the first
8 battle. Why can't it be here? Why can't
9 this be the example that nations, as well as
10 other states, come to, to find out how it is
11 really done? Why don't we?

12 MR. YOCOM: Thank you for your

13 comments. I think I am getting the signal
14 that we need to take another break for
15 recording purposes; is that correct? No?
16 Okay. Keep going. It's a very subtle
17 signal, so sometimes it's hard to pick up on.

18 Our next speaker is Mark Povich.

19 MARK POVICH

20 RED VALLEY, ARIZONA

21 MR. POVICH: Thank you all for
22 coming. My name is Mark Povich. This must
0050

1 be the teacher block, because I, too, am a
2 teacher. I teach at Cove Day School, which
3 is about 40 miles southwest of here. I've
4 got to thank you all because a few years
5 back, you all came out to our community and
6 helped batten down the hatches on all of our
7 old uranium mines. That's our history more
8 than 50 years ago.

9 But the reason I'm here is, I guess,
10 for myself and my family. I, too, am an in-
11 law. I have been at Cove for 12 years. I've
12 been in the Four Corners for nearly 20 years.
13 I've found an interesting fact, and it
14 actually has to do with Dine Power. If I
15 could quote High Country News, which is a
16 very reputable source of information for the
17 West, if I could just quote them, "The Dine
18 Power Authority plans to give," and for those
19 of you who are wondering who these people
20 are, I believe it is the Sithe Global Power
21 is who this is, who is planning to come in
22 and build Desert Rock, "The Dine Power

0051

1 Authority plans to give Sithe Global Power a
2 sweet deal, reducing by more than two-thirds
3 of the taxes that would pay to the Navajo
4 Nation to build and operate the Desert Rock
5 power plant on the reservation. All told,
6 the Navajo Nation will get \$530.5 million
7 instead of \$1.64 billion during the plant's
8 first 25 years." It's one-third. Now, to
9 me, that's, in a way, we are selling out.

10 One of the gentlemen earlier quoted
11 the Navajo Nation as having 30,000 people.
12 From my latest estimate, I believe we are
13 600,000 in the Nation.

14 Next fact. It's been quoted that
15 this power plant is going to generate enough
16 energy to power one million homes per year.
17 Now, I drive all through the Four Corners
18 area. I see these power lines. The way I
19 see it, they are heading West. We are
20 feeding, like the last gentleman just said,
21 the big cities, Phoenix, L.A., Las Vegas. We
22 are feeding their power that is, in turn,

0052

1 sending more pollution our way, if anybody
2 knows the jet stream and the way the wind
3 blows, from West to East. In a way, we are
4 going to receive the results from putting
5 this power plant in.

6 Next. Sure, it's good. We might
7 employ 2,000 people to build this power plant
8 over the course of however many years. But,
9 because it is so technologically advanced,
10 are we just going to be hiring? Not "we,"
11 Sithe, out of Houston, Texas, are they going
12 to be hiring just a few hundred to keep this
13 plant operating because it is so
14 technologically advanced, so it's all
15 computer based, so it can basically run
16 itself?

17 Next. We all know the Four Corners
18 economy is not the strongest in America. Our
19 economy is mainly based on oil, gas, and
20 tourism. Now, are people in the tourism
21 industry and the tourists who come to visit
22 our area, are they going to come to see the

0053

1 increasing amounts of pollution that is being
2 generated by two and, hopefully, not three
3 power plants?

4 I'm here for my kids' health. I'm
5 here for my in-laws' health, my health. I'm
6 an elementary teacher. When I'm out at

7 recess duty during the school year, I feel
8 there is something in the air. I feel a
9 magnetism. And like the one gentleman from
10 Dine Power, I agree with him that this is a
11 sacred land. But we shouldn't just count
12 what we are standing on sacred land. We need
13 to take into account between the Four
14 Corners, straight up into the atmosphere. I
15 think that's where we really need to take
16 into account. Sure, it might be really nice,
17 and whoever gave up their grazing permits to
18 build this power plant on 5, 10, 20 acres,
19 sure it might be really nice we're using 80
20 percent less water. But we need to take into
21 account the atmospheric ramifications of
22 this.

0054

1 Thank you.

2 MS. YOCOM: Thank you for your
3 comments.

4 The next speaker is Orion Yazzie.

5 ORION YAZZIE

6 AZTEC, NEW MEXICO

7 MR. YAZZIE: My name is Orion
8 Yazzie. I am 19 years old. I don't have a
9 degree in anything. I don't know that much
10 about IDEC, or whatever it is, or mercury.
11 But, because I'm Navajo, I believe that I can
12 say whatever I want. And I believe that
13 because of my Navajo blood, I'm entitled to
14 that.

15 The first thing I'd like to say is
16 to say that I'm very disappointed with no
17 public hearings being held in Farmington,
18 which is where I am from.

19 The other thing that is quite
20 apparent is that there are no young people
21 here, and that's very disappointing. Why
22 there aren't any young people here like me

0055

1 just speaks to the fact that this isn't
2 representative of all Navajo people, and
3 young people under 25 make up the majority of

4 people actually living on the reservation,
5 and that we make up the populous of Navajo
6 people. So that's really unfair for us not
7 to be represented or to have any say in
8 anything.

9 D P A and Sithe have been saying
10 they are on the side of young people because
11 they are promising these jobs for us, to give
12 us, and to further our education somehow.
13 But if DPA and Sithe truly cared about us
14 young Navajo people, they would not build
15 this plant, and they would come up with
16 better alternatives and sustainables, instead
17 of looking at them as a last resort.

18 So far as I've seen, my years in
19 high school and my one year at the community
20 college, I haven't seen anybody, any of my
21 fellow students, especially Navajo students,
22 get any of the scholarships that somebody
0056

1 earlier was talking about. I've never seen
2 any of that money, neither have any of my
3 peers.

4 If anyone in power was concerned
5 about young people, also, the two archaic
6 plants that currently exist would be shut
7 down.

8 Also speaking on health, there are
9 more things that affect our health as Navajo,
10 Dine people than just the mercury and
11 pollution that is in the air. The loss and
12 destruction of our sacred space is very
13 detrimental to our health. Clearing the
14 topsoil by bulldozers for development would
15 lead to the invasion of non-native plants and
16 pesky weeds disturbing traditional herbs that
17 grandmas and grandpas gather to heal
18 themselves. The invasion of non-indigenous
19 plants would also be bad for the sheep and
20 cattle that graze on the grasses that old
21 people still eat. Like the lady that talked
22 this morning was talking about her sheep, and
0057

1 the fat was running with water, and they just
2 killed the lamb, and it tastes spoiled.
3 Navajo sovereignty is a lot of times
4 brought up during this debate on the power
5 plant, but this whole thing about Navajo
6 sovereignty, that Desert Rock will make us
7 richer, but it is a terrible paradox that us
8 Navajo people would be responsible for
9 upsetting numerous other indigenous people's
10 life waves by contributing to global warming.
11 Tribal people in Alaska, Africa, South Asia,
12 and the Andes and Australia will see negative
13 effects of global warming on its life waves,
14 farming, fishing, migration patterns and
15 water sources. That's it.

16 MS. YOCOM: Thank you for
17 commenting.

18 The next speakers are Leonard
19 Anthony, Leslie John, Virgil Kirk, Jr., and
20 Larry DiGiovanni.

21 LEONARD ANTHONY
22 SHIPROCK, NEW MEXICO

0058

1 MR. ANTHONY: Good evening. My name
2 is Leonard Anthony. Five minutes is not
3 enough time to speak your piece, but here,
4 with the United States Environmental
5 Protection Agency, I hope you are able to
6 accept my knowledge and wisdom in this area.

7 First of all, after reading certain
8 pieces, we are going to be talking about
9 impact on visibility, soil, vegetation, and
10 growth.

11 Let me get to the point here. My
12 name is Leonard Anthony. Let me introduce a
13 quick philosophy of the Old People. The Old
14 People used to say we need to share the sun,
15 the sunlight, and even the air -- we're
16 talking about air quality -- even the Mother
17 Earth, water, and the fire. As a traditional
18 person, as a cultural consultant to a lot of
19 the schools, I speak my piece on this
20 knowledge. But the thing about this is we

21 have to use these elements as a group of
22 people. It even separates us as individuals.

0059

1 Sometimes there is no consideration of race,
2 color or creed, because it will inflict
3 everybody else.
4 First of all, visibility. I've
5 heard a lot of statements about haze and
6 smog. Yes, it's out there. Some days I
7 cannot see very far. I've lived in this
8 community for 25 years or more. Often times
9 I stand out there and see the Four Corners
10 power plant and the San Juan power plant. I
11 have friends, relations that work at these
12 power plants. They make their living. They
13 have a livelihood that support their personal
14 and family members.

15 Four Corners power plant was
16 constructed and made available in the 1960's,
17 San Juan power plant, 1970's. Now, the
18 operational repair costs is costing the
19 plants quite a bit of dollars. These dollars
20 are, when you think about the operational
21 cost, because you hear it from the workers
22 themselves, "We got to do the scrubbing

0060

1 again," "We've got to do this again," you put
2 those pictures together, and it says, how
3 long will these plants exist, 10 to 20 more
4 years? What is the operation of these
5 plants? When is their permit up?

6 The social impact of this, let me
7 talk about another interest of you folks
8 here. When a major operations ceased their
9 activities, let me take the Black Mesa Mine,
10 for example, at Kayenta, the social impact
11 there that people have really had,
12 unemployment has risen. Social impact, such
13 as domestic violence, alcoholism, has risen.
14 Sometimes when we talk about power energy, we
15 don't think about the people themselves.

16 The air quality, the people that are
17 sitting up here, what are you in charge of,

18 five miles, six miles, ten miles, twenty
19 miles, thirty miles? What is the radius of
20 your control of this air quality? Are you
21 controlling the entire air that is
22 responsible for Navajo, Dine, Indians, or down
0061

1 to the Pueblos? What is the specifics of the
2 air quality you are concerned about?

3 The other piece of this is
4 vegetation. The National Historic
5 Preservation Act says we need to protect
6 plants, we need to protect animals, we need
7 to protect the livelihood of these people.
8 In the Navajo culture and communities there
9 are very few herbalists and traditionalists
10 left, very few. They are extinct species.

11 According to the books that you folks have
12 written, we are the extinct species.

13 The other piece of this is when it
14 comes to growth, we are talking about health
15 impacts. Where is Indian Health Services
16 tonight? Where are they? They should be
17 giving us a lot of information about health,
18 the cause and effect of having power plants
19 in our communities. At the same time, is EPA
20 going to collaborate and communicate with
21 Indian Health Services? Where are the
22 reports from them? We need these. These are

0062

1 substantial information that can really
2 determine the lives of many of the people.

3 The other piece of this is mentally,
4 when we talk about health impacts, we are
5 talking about the mental being, emotional,
6 physical, socially and spiritually. When it
7 comes down to imbalances, what we have done,
8 folks, is we have created an imbalance
9 between Father Sky and Mother Earth, and
10 we've become the centerpiece to that. We are
11 the victims. Everybody becomes a victim.
12 From my point of view, is this: We need to
13 work those pieces out. A young man earlier
14 was speaking about sustainability of

15 harmonizing and balancing one's life.
16 Now, when it comes to impact on
17 visibility, soils, vegetation and growth, how
18 do you harmonize? How do you become stable?
19 The other piece to this I'd like to
20 say is this. The economic impact is Four
21 Corners power plant, BHP, and San Juan power
22 plants, they donated close to, every year
0063

1 they used to donate close to \$60 million.
2 The closure of Black Mesa Mine has ceased
3 those activities. Mr. Steven Begay has
4 identified a lot of resources that can be
5 brought forth to the Indian tribes,
6 especially the Navajo tribe.

7 The other piece of this is the
8 intergenerational effect and balances of our
9 children and families.

10 The last piece, please. First of
11 all, social impact. It's going to affect
12 everybody else, from the creepy crawlers, the
13 four-legged, the birds. We should be able to
14 dissect the birds, the crows that survive all
15 of this. We need to dissect them, find out
16 how they survive. You don't see the other
17 birds around. They are no longer around.
18 You see the creepy crawlers, they are not
19 around. You think about that.

20 Thank you very much.

21 MS. YOCOM: Thank you very much.

22 The next speaker is Leslie John.

0064

1 Please go ahead.

2 LESLIE JOHN

3 AZTEC, NEW MEXICO

4 MR. JOHN: (Microphone not working.)

5 So I'll be biased in my opinion. I benefit
6 from working at the mines and with the local
7 power industry.

8 I'm also with the International
9 Union of Operating Engineers. We represent
10 the miners at the Navajo Mines, LaPlata Mine,
11 and San Juan Mine. Because we haven't done a

12 formal survey of our members, I cannot speak
13 for all of our members. I will speak for
14 myself.

15 I hear the concerns of the people
16 who oppose this project, and I hear the
17 concerns of our people in regards to our
18 environment. They are very legitimate
19 voices. So it is with mixed emotions that
20 I'm here to speak on this.

21 The DPA says they will apply the
22 most stringent requirements available today,
0065

1 that technology has today. My suggestion is
2 that if this should go forward, I suggest
3 adding language into the permit requiring the
4 power plant to make updates of pollution
5 controls when there are advances in
6 technology in the future. And there will be
7 advances.

8 I also read about the high
9 unemployment rate on the reservation. When I
10 open the papers, I read about how high the
11 unemployment rate is. You hear different
12 figures, 30, 40, 50 percent. I don't know
13 what the true figures are. So I look at this
14 project in terms of the jobs it will bring,
15 jobs for my brother and sister miners, jobs
16 for my brother and sister power plant
17 workers, and on down the line as it affects
18 other parts of the economy locally.

19 There has been a lot of talk about
20 the immigration reform, immigration control.
21 We have people from the south, we have people
22 from Mexico that risk their lives crossing
0066

1 over to this country, risking their lives to
2 come to this country to work. So I get
3 disappointed when I read the papers and I see
4 people complaining that we have no jobs here.
5 There are no jobs here. And I see people
6 risking their lives to come to another
7 country to work, and yet some of our brothers
8 and sisters are staying at home hoping jobs

9 will come to them. I think if we go out and
10 seek these jobs, we can find them. Other
11 than that, we have these industries that are
12 offered to us, and I think we should take
13 advantage of them.

14 Thank you.

15 MS. YOCOM: Thank you very much.

16 Our next speaker is Virgil Kirk.

17 VIRGIL KIRK, JR.

18 SHIPROCK, NEW MEXICO

19 MR. KIRK: Good evening, community
20 members and also other people who are
21 interested in this issue of the air permit
22 that's going to be issued by the

0067

1 Environmental Protection Agency, and thank
2 you all for participating with the people
3 here of different areas.

4 My name is Virgil Kirk, Jr. I've
5 lived in Shiprock all my life, grew up here,
6 went to school here, educated here. So I'm a
7 community member, many years. My children
8 have also gone to school in this school,
9 graduated here, too.

10 Now, I'm at this point in life where
11 I am a grandpa now, too, and dealing with
12 other people's children, too, since I've
13 entered the race for the Navajo Board of
14 Education. In these issues, I have to
15 participate for the thousands and thousands
16 of children and promote their best interests
17 and what would be best for them, as an
18 elected person in this Board of Education for
19 the Navajo Nation.

20 The laws of the Navajo Nation are
21 legislated through the Tribal Council and
22 also the Executive Branch is what the Dine

0068

1 education is under. The objective of any
2 area of concern is education. It always is
3 what is a Clean Air Act, what is pollution,
4 what is all of this? This is education that
5 has to be learned through many years of

6 experience and knowledge and whatnot. I
7 basically feel like we need to know more
8 about what is going on here and how we are
9 going to deal with this issue of a cleaner
10 power plant.

11 One way is clean, yes,
12 statistically, technically, environmentally.
13 It is shown through their models of what can
14 be and what cannot be, and what it is not
15 going to be compared to the Four Corners
16 power plant. We have lived with this Four
17 Corners power plant and San Juan Power Plant
18 for years, since the 1960's. I went to their
19 dedication, and I sat on Morgan Lake. I went
20 out there, used to boat out there with my
21 friends, and ski that. Now I wouldn't even
22 get near that lake. So things have changed
0069

1 in these many years.

2 We have all grown up. We have grand
3 kids now that are thriving, living in this
4 San Juan Basin. We have many, many
5 generations coming from that, too, unborn
6 children, unheard of, yet to be. The
7 projections that you see are probably static.
8 That means it sits right now. What can be
9 dynamic? How can this thing change during
10 the years as things go along? What have we
11 lived through previously since 1960? You've
12 seen the haze. You complain about the
13 pollution. I complain about it. Everybody
14 says, well, those power plants. That's not
15 the only thing. There are automobile, there
16 is pollution from the river, giant refineries
17 polluting the river. The automobiles, the
18 giant is allowing gasoline engines, internal
19 combustion engines. Technology has not
20 produced an environmentally safe automobile.

21 So what do we do? What have we
22 experienced? In this idea of mentholated
0070

1 mercury, which is an ecological concern which
2 I feel is important right now, which is not

3 addressed by the EPA, and some of you have
4 brought that up. You understand what that
5 is. Let's move on. Ten, twenty, thirty,
6 forty years of all the children that have
7 been born have gone through a series of
8 contact with this somehow or another. The
9 most sensitive area is the first, in
10 gestation. That's when the placenta is very
11 sensitive. So what happens is that all of us
12 have gone through that somewhere in this time
13 scale. We don't know what the problem is.
14 We have a lot of problems with education
15 problems, which children are not very well...
16 we have an educational problem with reading
17 and math disabilities. Think about what that
18 may be caused from. We need a study to maybe
19 determine this.

20 Now, let me go quickly since my time
21 is moving out. I want you to think about
22 this second thing, my model. As an education
0071

1 person, we have experienced the preschool and
2 the kindergarten and the schools being closed
3 on the reservation due to lack of background
4 checks. That's a federal law. That's a
5 federal law which requires the Navajo Nation
6 to conduct this on their employees. You have
7 environmental laws which are federal law.
8 Are they going to be addressed as
9 stringently? Our children were at stake. We
10 lost the preschools and the little schools
11 that were operated on the reservation because
12 of the funding problems with the federal
13 government. See, that's my model.

14 What can we do to make our leaders
15 in the Navajo Nation address these issues in
16 case the power plant doesn't do what it is
17 supposed to do? That's how the Navajo people
18 feel, and that's what the expression is of
19 what other surrounding communities feel. You
20 don't trust government. I think that's the
21 bottom line of the whole thing. Somehow you
22 have to draw a line and draw these things

0072

1 together to make them satisfied, make the
2 company satisfied.

3 Our leaders should respect the
4 fundamental law of the Navajo Nation which is
5 a customary law, which is to allow our people
6 to be in this area and to be happy in a whole
7 way harmoniously, and we go on in the beauty
8 way. That is the fundamental law of the
9 Navajo Nation, and we have to respect that.
10 The federal government respects these kinds
11 of laws.

12 Thank you very much.

13 MS. YOCOM: Thank you.

14 Our next speaker is Larry
15 DiGiovanni.

16 LARRY DiGIOVANNI
17 FRUITLAND, NEW MEXICO

18 MR. DiGIOVANNI: Good evening. My
19 name is Larry DiGiovanni, and live in
20 Fruitland, and I work up here in Shiprock.
21 I'm here on my own, speaking on my own behalf
22 tonight and no one else's.

0073

1 I'd like to start by saying that I
2 moved out here about six-and-a-half years ago
3 from Ohio. I grew up with childhood asthma,
4 and that's bronchial asthma. That's one of
5 the reasons I'm here tonight. You know, I
6 tell my friends in Albuquerque that we breath
7 the dirty power plant air up here so that you
8 folks down there don't have to. And they
9 really appreciate that, I think. You know,
10 we have it so tough compared to them in a lot
11 of ways where the air is concerned.

12 What you are considering is a clean
13 air permit, and personally I'm kind of just
14 offended by the term. It's misleading,
15 because although this proposed power plant
16 will be considerably cleaner than the two we
17 have, APS, Four Corners, and San Juan
18 generating facility, it's still going to emit
19 thousands of pounds of pollution into the air

20 each year. Clean burning, it almost makes it
21 sound like it is cleaning the air, and that
22 is certainly not the case.

0074

1 I do have a couple of specific
2 questions for the EPA. I think Virgil has
3 touched on this, Mr. Kirk, and a few others
4 have touched on this. Has there been any
5 medical study concerning whether children and
6 adults downwind of a power plant, such as the
7 proposed Desert Rock, are more at risk for
8 asthma due to emissions, including
9 particulates, sulfur dioxide, etc.? If not,
10 why is this so? I think Mr. Anthony pointed
11 out, why isn't IHS here tonight? I have to
12 echo that sentiment. Why aren't medical
13 people with that kind of expertise here
14 tonight to weigh in on the potential human
15 damage that will be caused by a third power
16 plant in this area? And if you approve this
17 one, is there going to be a fourth one?
18 Where does it end?

19 Second question: Has there been any
20 medical study concerning whether children
21 downwind of a power plant, such as the
22 proposed Desert Rock, are more at risk of

0075

1 lower brain function due to mercury poisoning
2 from power plant emissions leeching into the
3 ground and adversely affecting fetuses? If
4 not, why is this so?

5 And my final question: Would the
6 EPA consider sanctioning and funding a
7 medical study that would compare children's
8 I.Q. scores who live within a certain radius
9 of the new proposed power plant as opposed to
10 children in the area who are not within that
11 certain radius? If so, why not, and what
12 would hold the EPA from doing that?

13 Thank you very much.

14 MS. YOCOM: Thank you.

15 Our next speakers are Eileen

16 Barrett, Jeff Stant, and Mike Eisenfeld. I

17 want to do a time check on the recording,
18 because I know that the two last speakers
19 have worked with some other people. So why
20 don't we take a five-minute break, and,
21 again, keep this really brief, to change over
22 so we can have time to fit everyone in. I
0076

1 understand the two last speakers are
2 combining their time with some other
3 speakers, as some other speakers have ceded
4 their time to them. So their presentation
5 will be slightly longer, and it will probably
6 be running right up to 9:00. So we'll make
7 this a very brief five-minute break to get
8 ready to record the whole 30 minutes.

9 (Whereupon, a brief recess was
10 taken.)

11 MS. YOCOM: Next, we have Eileen
12 Barrett, Jeff Stant and Mike Eisenfeld. We
13 also have Arnold Clifford, if he wants to
14 come to the front. If Eileen Barrett would
15 like to just go directly to one of the
16 microphones.

17 EILEEN BARRETT
18 SHIPROCK, NEW MEXICO

19 MS. BARRETT: Thank you. My name is
20 Eileen Barrett. I live and I work here in
21 Shiprock, and I'm speaking unaffiliated with
22 another organization. I am here today
0077

1 because I have some concerns about and
2 generally am opposed to this project, and on
3 three levels.

4 First, as a scientist. I have a
5 master's in public health with specific
6 training in air and industrial hygiene. My
7 concerns about the project include global
8 warming and how this project will contribute
9 to that and the likelihood that there will be
10 tighter and tighter restrictions on emissions
11 that contribute to global warming, and what
12 would be the expected course of action for
13 when that comes.

14 Also, about mercury toxicity. We
15 did previously hear from other people about
16 their concerns as well, and I share those.
17 The more that we examine the effects of
18 mercury on a fetus, on children, and also on
19 adults, the more we find that there were
20 lower and lower acceptable levels, and the
21 threshold for toxicity is getting lower and
22 lower. I don't see, and I don't think that
0078

1 most scientists would say, that we can
2 project what will be considered a safe level
3 even in the near future, and with continued
4 emissions locally of mercury, we don't have a
5 plan to address that, nor do we have one to
6 curtail it.

7 I do have the concerns other people
8 have mentioned about decreased visibility.
9 There would be cultural impacts. Everyone in
10 this room can attest to how important places
11 like Window Rock, Spider Rock, Chinle, Canyon
12 Duchet, and Spider Rock, also Angel Peak are
13 to the Navajo Nation, as well as to other
14 people. And the visibility there affects the
15 natural beauty. They also do have a real
16 effect on tourism, particularly for places
17 like Mesa Verde that would be affected like
18 this as well.

19 The last thing with my concern as a
20 scientist is that without an environmental
21 impact statement, I don't know that we can
22 make an informed decision, and I would
0079

1 venture to say that we can't, and because, as
2 I understand, a lot of the effects that are
3 projected, the data was collected in
4 Farmington, not in communities like Shiprock
5 or even smaller communities like Newcome or
6 Sheep Springs. I don't believe that the data
7 from Farmington would accurately reflect what
8 would happen more at the very local level,
9 such as at those communities and closer to
10 where Desert Rock is planned.

11 Another level on which I have
12 concerns is as a physician. I'm a board
13 certified internist. I work here in
14 Shiprock, and in internal medicine, I do take
15 care of people with chronic illnesses,
16 including those at the end of their lives,
17 and those with critical illnesses, and
18 particularly people with chronic lung
19 disease, including asthma, interstitial lung
20 disease, and bronchitis, also COPD, also
21 known as emphysema. There is well documented
22 correlation between the increase in

0080

1 particulate matter and how that corresponds
2 to the frequency with which children and
3 adults need to be readmitted to the hospital,
4 in addition to needing additional
5 medications. Most strikingly, it is seen in
6 urban areas such as East Los Angeles, because
7 you can compare the micro climate of East Los
8 Angeles to West, can measure differences in
9 the air, and to see how children in the East
10 Side are admitted to the hospital more often.
11 We do see that, certainly, in other
12 communities as well. I trained in the East,
13 like a lot of people here have, and in the
14 northeast corridor where there are
15 particularly problems with ozone, that on
16 "red days," you do see that people are more
17 often admitted to the hospital, need to have
18 more admissions to the intensive care unit,
19 prolonged stay, difficult on patients,
20 difficult on families.

21 I also do take care of patients who
22 have uranium lung disease, and everyone here,

0081

1 Navajos as well as non-Navajos, will be able
2 to attest to the long and hurtful legacy of
3 neglect that has resulted from uranium
4 mining. I particularly now take care of
5 patients who have chronic lung disease as a
6 result. But I bring it up here because at
7 the time it seemed reasonable to go into the

8 mines, to not have personal protective
9 equipment, then later on realizing this was
10 needed. It seemed like a reasonable thing.
11 It clearly wasn't.

12 There are numerous examples
13 throughout the world, throughout our country,
14 throughout our communities of undertakings
15 which seemed as though they would be safe
16 that were subsequently found to have
17 catastrophic consequences. And I think
18 adopting a precautionary principle would be
19 the one that would be most prudent.

20 Then, lastly, as a resident of
21 Shiprock, I love living here, I love being a
22 physician in the Indian Health Service.

0082

1 Looking around the room, I hear the concerns
2 about the IHS not being represented, and I
3 believe that the people who are here aren't
4 necessarily a representative sample of those
5 who would be affected by the power plant. I
6 don't know how word got out. I found out
7 through a very non-local source, the same way
8 I find out about the girls' basketball games
9 that I go to all the time, homecoming. So I
10 don't know what the mechanism was. Also,
11 whether people who don't speak English,
12 whether they were able to find out about the
13 meetings as well.

14 I also hear my patients tell me
15 about what the vista was like to be up at
16 sheep camp in Obupichukee (phonetic) and to
17 be able to see clearly across to Farmington,
18 and how that has been gone ever since the
19 power plant. So the regional beauty is taken
20 away by decreased air quality.

21 Then, lastly, I feel compelled to
22 comment on what I feel most passionately

0083

1 about, the social justice concerns. This is
2 sacred land between sacred mountains, and
3 this is where the creation story takes place.
4 Degradations here are more devastating and

5 are felt by everyone in the community. I
6 don't see how not adopting a precautionary
7 principle will be in compliance with federal
8 mandates to not overburden low income and
9 minority communities with facilities that may
10 provide more air pollution.

11 Thank you for your time.

12 MS. YOCOM: Thank you.

13 The next speaker is Arnold Clifford.

14 ARNOLD CLIFFORD

15 SHIPROCK, NEW MEXICO

16 MR. CLIFFORD: Hello. My name is
17 Arnold Clifford. I hope that walk didn't
18 take some of my time off. I've from
19 Avaclavato (phonetic spelling), about 18
20 miles west of here. I've lived here all my
21 life. I'm an independent consultant. I work
22 as a geologist and botanist. So I pretty
0084

1 much have been out through the whole Colorado
2 plateau, you know. I look at different eco
3 regions, and different mountain ranges, and
4 different environmental settings. What we've
5 got here in the San Juan Basin is really
6 quite unique. We are a smaller province in a
7 much larger geologic province called the
8 Colorao Plateau. Where we are at is, we are
9 on the San Juan Basin right here.

10 My main concern is that the San Juan
11 Basin has historically been used as a dumping
12 ground, kind of like a waste ground for the
13 rest of the nation here. We've got oil and
14 gas wells that from my last count, there are
15 probably at least 60,000 natural gas wells
16 out there. When you take a look at it on a
17 map, it's like you dropped a whole bottle of
18 pepper on that portion of the state here.
19 Then we have coal mines, and then we have all
20 these abandoned uranium mines. Just by the
21 tracks of a lot of these older mining
22 companies, you know, they don't have a really
0085

1 good track here, they will go out and extract

2 their resources and then leave everything
3 behind without really cleaning it up. Then,
4 you know, EPA and other governmental agencies
5 have to come behind and clean up their mess.

6 With the power plants here, you
7 know, everybody talks about visibility, and
8 we talk about air permitting and the quality
9 of air that we have here. A lot of our air
10 quality stations are set up around the San
11 Juan Basin, but they are much lower. They
12 don't occur like around about 5,000 to 7,000
13 feet where a lot of pollution hangs around.
14 When you get above these mountain ranges, and
15 you look down right about 7,000 feet, you get
16 this constant haze of brown that hangs around
17 the mountain areas. Before we had these pine
18 beetles that devastated the pinion pines
19 around here, there were all these different
20 pines that were starting to turn yellow,
21 brown, you know, just based on that elevation
22 range where a lot of this pollution was

0086

1 hanging around. There is no scientific data
2 that directly correlates to that, but just
3 based on visual observation, you know, that's
4 something I think is really significant.

5 People that live in that elevational
6 range, I've noticed that we have this
7 constant wheezing and coughing. Everybody
8 coughs, you know. It's probably all
9 attributed to breathing that brown haze all
10 the time. On certain days it's really clear,
11 you know. The only times I've seen it really
12 clear is right after a really good rainfall.
13 When we get the winds, and when we get the
14 southwesterly winds coming on in, that kind
15 of clears out a lot of the air. It will be
16 clear for about four days, and then after
17 about four days, it's back to the old
18 business again, brown haze and really low
19 visibility. That's part of my concern.

20 But one thing that I'd like to speak
21 out for is all the things that can't speak

22 out for themselves. These are, like, the
0087

1 plant people, all these vegetation that we
2 have around here. We have a very unique
3 assemblage of plants that we have around
4 here. I've been studying the flora of this
5 whole region for about 18 years, and we have
6 a number of rare plant species that occur in
7 this area. We have a very unique geologic
8 setting with all these specific physiologic
9 layers, sedimentary layers, and we have
10 plants that are associated with each one of
11 these different layers. And based on how
12 they are ranked, there are some that are
13 federally listed as endangered, federally
14 listed as threatened, and there are a lot of
15 them that are considered sensitive and, also,
16 species of concern. There is also a list for
17 the State of New Mexico and also for the
18 Navajo Tribe. One of the things is a lot of
19 these plants are very sensitive. They occur
20 in very harsh ecological conditions.

21 Where the proposed power plant and a
22 lot of the related facilities, the related
0088

1 infrastructure, such as the power lines and
2 stuff like that, a number of these plants
3 occur in these areas. It was readily
4 addressed in the EIS, but I don't think they
5 did an adequate job of addressing them,
6 because there is one plant that is federally
7 listed as threatened, and we kind of pushed
8 it off along to the side there. We were just
9 going to sidestep the Endangered Species Act.
10 This is the first time that I've ever worked
11 in the industry where the act doesn't mean
12 anything no more. A lot of stuff we are
13 doing right here is probably just lip
14 service. You know, we are voicing our
15 complaints and our concerns, but I don't
16 think it's going to be addressed because, you
17 know, before this project was started, before
18 any of the environmental assessment was

19 completed, you read in the newspapers that
20 the Navajo Tribal Council, the Tribal
21 president has already signed off on an
22 agreement saying that it's okay to build
0089

1 Desert Rock, it's okay to do the power lines
2 and stuff like that. So a lot of this stuff,
3 I think, is not really going to address
4 anything, you know, because the Council, they
5 are not listening to the people, and they've
6 already pretty much said it was okay to
7 implement this project here. That's mainly
8 my concern.

9 Thanks for giving me the time to
10 speak.

11 MS. YOCOM: Thank you very much.
12 The next speaker is Jeff Stant. I
13 understand that Jeff Hunt and Carla Hunt have
14 ceded some time to you, so that you have 15
15 minutes to speak.

16 JEFF STANT

17 CLEAN AIR TASK FORCE

18 MR. STANT: Thanks very much. I'm
19 Jeff Stant. I'm from Indianapolis, Indiana.
20 I've grown up and spent most of my life in or
21 near the Wabash River Valley and the Ohio
22 River Valley of southern Indiana. That's
0090

1 sort of the cradle of the greatest
2 concentration of coal-fired power plants in
3 the world, the greatest concentrations of NOX
4 emissions, some of the greatest
5 concentrations of ash piles from trying to
6 control pollution as a result of requirements
7 in air pollution permits. I work for the
8 Clean Air Task Force today because for the
9 past 20 years I've been studying the impacts
10 on water systems from the disposal practices
11 for the waste that power plants generate,
12 called coal combustion waste, and the lax
13 regulatory standards for that waste and how
14 that has caused so much damage to water
15 supplies. I've come here with a presentation

16 tonight detailed about it, because I'm
17 concerned that this debate over the air
18 pollution not go forward without fully
19 accounting for the waste liability that the
20 PSD controls are going to bring with it.
21 This is a friend of mine's pickup
22 truck, R.G. Hunt's pickup truck against the
0091

1 edge of the 500 acre coal ash dump just to
2 the west of the Four Corners Power Plant.
3 Now, sometimes that ash is 100 feet deep in
4 places, or at least it appears to be, just
5 from eyeballing it. I've been out there with
6 incredible dust storms off that ash that
7 kicked up, and I will talk about that later.
8 But south of that is almost 60 million tons
9 of ash that has been mine filled in the
10 Navajo mine from the Four Corners Power Plant
11 since the late 1960's with no disposal
12 standards and very little monitoring.

13 U.S. coal fired power plants
14 generate 125 million tons of coal combustion
15 waste every year. That waste would fill the
16 box cars of a train stretching from
17 Washington, D.C. to Melbourne, Australia, and
18 that's just one year's production.

19 This waste, this CCW, is toxic. It
20 has high levels of 17 heavy metals, such as
21 arsenic, selenium, mercury, cadmium, chromium
22 and lead, as well as boron, sulfates,

0092

1 chlorides and other salts. It causes birth
2 defects, cancer, neurological damage. It has
3 extirpated local populations of fish and
4 amphibians all over the country. It's caused
5 wide scale ecosystem damage. The risk to
6 people living near these CCW dump sites
7 exceeds EPA's cancer thresholds by 1,000
8 times or more. For example, people drinking
9 arsenic contaminated water from a well near a
10 CCW site, contaminated by that CCW, EPA has
11 already estimated their cancer threat is as
12 high as 1 in 100 persons exposed to that

13 level of arsenic. That's 10,000 times higher
14 than EPA's regulatory goal for reducing
15 cancer risk, 10,000 times higher.

16 It has poisoned drinking water, it
17 has harmed crops, and it has killed
18 livestock, and it has done that right in this
19 area.

20 Even the Bush administration EPA,
21 which is trying to shut down any regulation
22 of ash, what little regulation there is, has
0093

1 admitted that the number of cases where there
2 is clear contamination of water supplies from
3 ash has jumped from 6 to 76 in just seven
4 years, and they have de-funded that program
5 and are not looking at about 70 some
6 additional cases that have been presented.

7 The Four Corners area is already the
8 largest coal ash mine filling site in the
9 United States. The coal ash and the scrubber
10 slush that has been dumped in the San Juan
11 and Navajo mines since the early 1970's is
12 almost around 100 million tons. That's close
13 to what the nation generates in terms of all
14 coal combustion waste in a year. That much
15 has been put in those mines with no
16 safeguards, the kind of safeguards you have
17 at landfills for solid wastes when you
18 dispose of them there.

19 The CCW at Four Corners is causing
20 fugitive emissions. Ash dries out in the
21 uncovered mine pits. I went on a tour with
22 the National Academy of Sciences last year of
0094

1 the San Juan mine and the Navajo mines, and
2 we looked at the mine pits. There have been
3 mine pits with ash that have been filling up
4 for years. It was wet when they put it
5 there, because they mix it with the scrubber
6 sludge, but it dries out over time, and when
7 the wind kicks up, the dust flies. It was
8 flying in some instances when we were there.

9 The ash is also not covered in the

10 dump next to the Four Corners Power Plant.
11 The ash becomes airborne on windy days. This
12 is the Four Corners ash dump when you've got
13 still air on a still day. You can see the
14 Hogback in the background.

15 Here is the dump when the wind has
16 kicked up. We were just coming around the
17 bend. It got so bad that you had to put your
18 headlights on. Trucks moving through it had
19 their lights on. This is fly ash in the air,
20 in that dump, and blowing off the dump onto
21 the desert, the way it does across the mines.

22 The Desert Rock will generate a lot

0095

1 of solid waste. Each 750 megawatt unit will
2 produce approximately 538,740 tons of fly ash
3 and bottom ash every year. That's based on
4 taking the 382 tons of coal that they would
5 burn at a maximum burning rate, lowering it
6 to 300 tons, just assuming that that is an
7 average. If you figured their maximum burn
8 rate, it would be something more like 680,000
9 tons. You put those two together, and what
10 you have is more than a million tons of fly
11 ash and bottom ash that have to be put
12 somewhere every year. That's not counting
13 the wet scrubbers. Yes, it's a dry cooling
14 tower system, but you've got wet scrubbers.
15 They require huge amounts of water. They are
16 going to be at this plant, and they will
17 produce large additional volumes of gypsum
18 sludge. They will also happen to be watering
19 those coal piles unless there are some
20 provisions I haven't read about that are
21 going to keep that from happening. So there
22 will be lots of water that they will need

0096

1 there for the scrubbers alone.

2 The solid waste, and this is
3 important, Sithe has said, "We are going to
4 recycle our waste. We are going to take our
5 gypsum down to somewhere else in New Mexico
6 and sell it." Well, the bottom line is, you

7 have to look at what the document says, the
8 regulatory documents say. On page 2.1, it
9 says quite clearly, "Solid wastes produced by
10 the combustion of the coal and the air
11 pollution control system will be returned to
12 the mine." End of quote.

13 Now, breathing ash is harmful.
14 There have been a lot of studies about the
15 effects of breathing ash on rats that were
16 funded to look at and extrapolate whether
17 there could be damages to people who are
18 around fly ash a lot and might breath it.
19 But these studies have documented -- sorry
20 for the mistake there, the two documents --
21 severe cytotoxic effects in the lung cells of
22 rats inhaling fly ash dust. They didn't

0097

1 inject fly ash into them. They put them in
2 chambers with fly ash in the air. And the
3 dust altered the lung and the liver tissues
4 of those animals. It killed or harmed their
5 aveolar macrophages. Those are the big cells
6 that fight disease. They were being killed
7 or harmed. Many studies have shown this.

8 The toxic metals concentrated in the
9 inhaled fly ash are readily transferred to
10 many other organs in those rats. The
11 inflammatory Interleukin 8 levels -- those
12 are levels of a protein that causes damage,
13 causes inflammation in the lungs. Anyway,
14 those Interleukin 8 levels increased in human
15 epithelial cells that were exposed to fly
16 ash. They increased by as much as eight
17 times in one study that looked at what fly
18 ash does to human lung tissue.

19 Smaller particles are prevalent in
20 fly ash. The PM-10, the PM-2.5 standards
21 don't do a thing to stop the fugitive dust
22 from the fly ash powder, which is the

0098

1 consistency of talc. So you've got particle
2 sizes below 1 micron. The research has said
3 in every report I've ever seen, and there are

4 many of them, that it is the smallest
5 particles that present the greatest
6 inhalation hazard. Well, that's what you've
7 got blowing around up in the air around the
8 Four Corners ash dump and in every one of
9 dozens of mine pits with ash in them in those
10 mines.

11 The PSD permits should address
12 fugitive emissions from Desert Rock's ash.
13 The additional impact analysis that is
14 discussed in Section 6.6, pages 646 to 650,
15 of the Air Quality Impact Report, it
16 addresses road dust from coal hauling trucks.
17 It says, you know, we have to look at
18 secondary emissions that might be created
19 from building this plant. We know coal
20 hauling trucks are going to be going down
21 these gravel roads in the mine, and there is
22 going to be dust kicking up from them. But
0099

1 we think it is just going to be 15 tons per
2 year, and that won't be a problem.

3 Well, it also addresses emissions
4 from workers traveling. It says those
5 emissions are going to be de minimis. But it
6 doesn't say the first word about this ash,
7 and you are left thinking whoever wrote this
8 permit doesn't have a clue about what's going
9 on out at these sites, has never been there,
10 has never been there on a windy day, has
11 never seen what happens in these mines with
12 the ash that these power plants are
13 producing. So it is not mentioned, much less
14 addressed, in the AIA.

15 And beyond the dust problem, the CCW
16 from the San Juan and Four Corners Power
17 Plants is poisoning the arroyos that drain
18 those mines. The Chumway arroyo is
19 contaminated beyond all use now. You have
20 sulfate at 45,000 parts per million, you
21 know, 180 times the relevant standards. TDS
22 is at 80,000 plus parts per million. These
0100

1 are far, far over the levels of these
2 constituents in up gradient wells. The
3 entire arroyo is trashed.
4 I'll jump down to the third bullet.
5 Fourteen hundred sheep and hundreds of cattle
6 have been killed by drinking the contaminated
7 water in that arroyo. Lawsuits in the 1980's
8 have awarded more than \$2 million in damages
9 to date. The damage is continuing. The
10 pollution is continuing unabated. The
11 pollution where it is coming from isn't
12 coming from the plant any more, it's coming
13 from the huge mine filled ash pits in the San
14 Juan mine next to the Chumway arroyo.

15 I'll also point out the lead,
16 cadmium, manganese, boron, and selenium are
17 at toxic levels not only in the San Juan
18 mine's washes, but in the Bitsui Wash and
19 parts of the Chaco River, again monitoring
20 points that are down gradient from where the
21 ash is being put, not at the up gradient
22 points.

0101

1 Here is the effect of it. On a guy
2 who makes his living off of sheep ranching
3 and, also, he is the main -- well, he is
4 sitting over there. He's Squeak Hunt. He is
5 the main provider of mutton to the Navajo
6 Nation. A lot of you may know him. It's one
7 of his dead sheep he is holding up. He took
8 that animal all the way to Dallas, Texas and
9 slammed it down on the podium in front of EPA
10 and said, "Here's what you are doing to me."

11
12 The PSD permit should not be
13 considered in isolation of these other
14 impacts. Mining for Desert Rock destroys the
15 ecosystem of the Navajo lands. You are
16 taking confined aquifer systems, you are
17 blasting them to bits, you're turning them
18 into a giant spoil aquifer, a giant bowl of
19 gravel. The water quality is fundamentally
20 altered, the amount of water, recharge and

21 discharge, is fundamentally altered, you are
22 fundamentally changing this ecosystem

0102

1 permanently. When you fill it up with battle
2 ship size quantities of caustic ash, you are
3 further turning it into something that
4 perhaps exists on another planet, but not
5 here on the earth.

6 Burning coal and controlling
7 emissions required by this PSD permit will
8 produce huge volumes of solid waste that have
9 already caused toxic damage in waters
10 draining from the San Juan and Navajo mines.
11 The further consideration of this permit
12 should be postponed until these impacts are
13 adequately addressed in the environmental
14 impact statement for Desert Rock.

15 I do want to make a point to you.
16 When you look into the San Juan mine damage,
17 you are going to find all these reports
18 recently by -- no offense to you guys -- but
19 by bureaucrats who didn't want to look
20 farther than what the Public Service New
21 Mexico was going to tell them, or what BHP
22 Billiton was going to tell them, who didn't

0103

1 bother to go look at the databases. So they
2 are going to dismiss, as well, the mining
3 operator and the regulators that swear by
4 them and say there is no problem.

5 But if you go back and you look
6 further, you will find that EPA took
7 enforcement actions against the San Juan mine
8 for damages caused by its ash in the 1980's
9 which resulted in forcing them to line pits
10 by the plant which stopped the leaking from
11 those areas. There are lawsuits that the
12 utility had to settle with cattle ranchers to
13 provide them, to award them damages for
14 hundreds of lost animals. And also, people
15 got very sick drinking well water that was
16 contaminated. This was the result of
17 scrubber sludge mandated by air pollution

18 controls that you guys keep putting in place
19 without any attempt to account for what they
20 do to the water. You are just transferring
21 the medium to the ground. It is becoming
22 horrific, and everybody acts like, oh, this
0104

1 is the greatest thing since sliced bread
2 because these are the tightest limits we've
3 ever had. Well, yes, but you've got more ash
4 pollution than before.

5 So when you look at that San Juan
6 case, look further, and you'll find that
7 you've already admitted that the damage
8 occurred. Please take account of the
9 fugitive dust emissions in the additional
10 impact analysis and slow down on this and let
11 the community assess the entire impact before
12 you issue the primary legal mechanism that is
13 used elsewhere in this country to start
14 construction of power plants. It's not NEPA,
15 it's the PSD permit. That's what the utility
16 wants. That's what Sithe needs, is this air
17 permit. Once that is done, the NEPA process
18 is highly discretionary in terms of -- you
19 need to back up on this and let the community
20 see all the impacts first and not rush this
21 thing through.

22 Thank you very much for the time.
0105

1 MS. YOCOM: Thank you for your
2 presentation.

3 We have another presentation, Mike
4 Eisenfeld. Mike has also made arrangements
5 to combine some time from various people.

6 MIKE EISENFELD

7 SAN JUAN CITIZENS ALLIANCE

8 MR. EISENFELD: Good evening. My
9 name is Mike Eisenfeld. I am with the San
10 Juan Citizens Alliance. I live in
11 Farmington, New Mexico, have lived there for
12 the past 11 years. I'm very involved in
13 natural ecosystems, and I am enamored by the
14 Four Corners region, particularly the

15 Colorado plateau, the San Juan Basin.
16 The San Juan Citizens Alliance is
17 comprised of over 500 members in Colorado,
18 New Mexico, and outlying states.

19 I'm here to talk tonight about the
20 prevention of significant deterioration
21 permit. The draft PSD permit for the
22 proposed Desert Rock facility is flawed. It
0106

1 does not accurately portray existing air
2 quality in the Four Corners region.
3 The issues. I'll elaborate on each
4 of these bullets. The modeling is deficient,
5 the environmental impact statement has not
6 been released, pollutants not covered
7 adequately, mercury, ozone, greenhouse gases,
8 and other emissions, air quality impacts. We
9 bear the health and visual impacts of
10 electricity generated here and delivered
11 elsewhere. We end up with a degraded Four
12 Corners region.

13 The modeling. The EPA used the cow
14 puff model to evaluate the air quality and
15 visibility impact analysis of proposed Desert
16 Rock. The cow puff model input, the air
17 monitors are located in Farmington or Rio
18 Rancho, New Mexico. Without properly located
19 monitors, the modeling is inaccurate. Where
20 is the air monitor on the northern portion of
21 the Hogback?

22 The Clean Air Act requires one year
0107

1 of on-site air quality meteorological data
2 and baseline data. Where is that data?

3 The unorthodox modeling methods for
4 the proposed Desert Rock facility PSD permit
5 do not comply with current EPA policy or
6 sound science. This resulted in the
7 inaccurate conclusion that visibility impacts
8 11 Class 1 areas, including Mesa Verde
9 National Park, would not be adversely
10 impacted.

11 Mitigation plans are being proposed

12 to minimize the visibility impacts in Class 1
13 areas, yet the mitigation plans are not
14 incorporated into the PSD permit. In
15 addition, how do we know that mitigation will
16 ever occur?

17 The draft PSD permit air quality
18 dispersion modeling is deficient. The EPA
19 has an obligation under the Clean Air Act to
20 prevent any further impairment to visibility
21 in any Class 1 areas.

22 The PSD increment analysis was based
0108

1 on changes in emission levels self-reported
2 from the Four Corners and San Juan Power
3 Plants, not emission levels for which the
4 plants are permitted by the EPA. The draft
5 PSD permit left out the numerous other
6 sources of air pollution, including NOx
7 emissions from the 18,000 active oil and gas
8 wells in the San Juan Basin. Bureau of Land
9 Management modeling for the San Juan Basin
10 contradicts the draft PSD analysis. For
11 example, BLM modeling results indicate that
12 emissions from current gas development in the
13 basin already exceeds a PSD Class 2 increment
14 standard for NOx, 25 micrograms per cubic
15 meter. The source is the BLM RMP Final
16 Environmental Impact Statement of 2003. The
17 draft PSD permit left out the numerous other
18 sources of air pollution forthcoming to the
19 Four Corners area and to the region,
20 including a tremendous increase in NOx
21 emissions expected in the area due to 10,000
22 additional oil and gas wells proposed by the

0109

1 BLM, as well as two other proposed power
2 plants.

3 In addition, the draft PSD permit
4 left out emissions from mobile sources,
5 including use of the 15,000 to 20,000 of
6 roads by the oil and gas industry in the San
7 Juan basin.

8 The draft Environmental Impact

9 Statement. The draft EIS is required to
10 evaluate all construction and operation
11 impacts of the proposed Desert Rock facility,
12 including all associated infrastructure.
13 Included in that analysis should be
14 transmission lines, where is the power going,
15 water, how much water is being used, ash
16 disposal, as Mr. Stant discussed, is a very
17 significant issue. What is happening with
18 the ash disposal? We hear it is being
19 trucked to Gallup, but now we hear it is
20 going to be recycled. Transportation
21 systems, if you go to the Four Corners Power
22 Plant, you will notice that they have a very
0110

1 elaborate train system that brings up coal
2 every day from the mines. There are three
3 mines that BHP has historically used, La
4 Plata, San Juan, and the third is Navajo.
5 Cultural and biological resources.
6 We have some significant cultural and
7 biological resources that have never been
8 adequately evaluated. Biological resources
9 include endangered plants, which are found
10 only here in this region.

11 Then the issue of total air
12 emissions. Who is going to look at this
13 cumulatively?

14 These complete components have not
15 been described to the public nor analyzed.
16 Of critical importance, where would power
17 generated by Desert Rock go? Are we to bear
18 the impacts for electricity generation to be
19 consumed in Phoenix, Las Vegas, etc., etc.?

20 As currently planned, the comment
21 period for EPA's PSD permit closes on October
22 27, 2006, before the draft EIS is even
0111

1 issued. The draft EIS release is scheduled
2 for November-December 2006 at the earliest.
3 The infrastructure information for the
4 proposed Desert Rock facility used in the PSD
5 permit is incomplete. The EPA should extend

6 the comment period on the draft PSD permit to
7 correlate with the final EAS and to provide
8 full disclosure.

9 The heart of the National
10 Environmental Policy Act also is
11 alternatives. So we, the public, should
12 expect that there are numerous alternatives
13 in the Environmental Impact Statement,
14 including alternative sites for Desert Rock
15 and alternative ways to generate electricity.

16 The draft PSD permit for proposed
17 Desert Rock, the estimated emissions, 3,325
18 tons per year of NOx, 5,529 tons per year of
19 carbon monoxide, 3,319 tons per year of
20 sulfur dioxide, 13.7 million tons per year of
21 carbon dioxide -- hold on to that number --
22 114 pounds per year of mercury. These

0112

1 estimated emissions of EPA for the proposed
2 Desert Rock Power Plant do not accurately
3 depict the cumulative air impacts from the
4 entire facility. In other words, we know
5 where the power plant is going to be
6 situated, but we don't know where the power
7 is being transmitted to, we don't the
8 infrastructure that is going to be needed to
9 get coal to the power plant, we don't know
10 where the water is coming from. We want the
11 full analysis.

12 Pollutants inadequately covered for
13 the draft PSD permit. Ozone. There is no
14 analysis of ozone concentration. Carbon
15 dioxide. EPA failed to address greenhouse
16 gas emissions; 13.7 million tons per year of
17 carbon dioxide. Mercury. EPA failed to
18 propose any emission limits for mercury.
19 Fugitive dust. There is a large problem that
20 exists here in the Four Corners region.

21 Okay, the Four Corners region
22 degraded air quality now. Sources of

0113

1 pollution in the Four Corners: power plants,
2 oil and gas production, cars, industrial

3 boilers, refineries.

4 Here is a view of Shiprock from
5 Farmington at the end of September. You can
6 barely even see it.

7 Here is the Four Corners Power
8 Plant. Here is the San Juan generating
9 station. Remember, these are within 15 miles
10 of each other. Here's is the San Juan
11 generating station, the startup process.

12 Here is a drag line at Navajo Mine.
13 This is the coal that is used for both
14 existing power plants. This mine recently
15 went underground, so it is not surface mined
16 any more. The three coal mines take up a
17 huge expense. They are all being filled with
18 the ash when the coal is taken out.

19 My friend, Arnold Clifford, talked
20 about the oil and gas. His take was 60,000
21 wells in the San Juan Basin, Colorado
22 plateau. Here is Farmington and Aztec. Here
0114

1 is the two power plants. The third power
2 plant would be in this area in here
3 (indicating). Our area continues to get more
4 and more oil and gas. There are over 18,000
5 existing natural gas wells in the Farmington-
6 Aztec area.

7 The BLM's Resource Management Plan
8 from 2003 for the Farmington field area has
9 approved 10,000 more wells. That is just in
10 this area.

11 Up here (indicating) is the top part
12 of what is known as the Fruitland Formation
13 where a lot of coal bed methane is being
14 drilled, known as the Fairway in the Anamis
15 River corridor.

16 The cumulative air pollution.
17 Existing emissions from the San Juan
18 generating station include 26,880 tons per
19 year of NOx, 13.1 million tons per year of
20 carbon dioxide. The existing emissions from
21 Four Corners Power Plant, 40,742 tons per
22 year of NOx, 15.1 million tons per year of

0115

1 CO2. This was self-reported to the EPA in
2 2004.

3 The projected emissions associated
4 with natural gas production in 2003, which
5 was project year 1 for the BLM, the most
6 important number there is 3,333 tons per year
7 of NOx. Now, with the projected emissions
8 associated with 10,000 new wells and the
9 18,000 existing wells we have, most of those
10 wells are going to require compression, which
11 means motors, engines, resulting in 62,160
12 tons per year of NOx.

13 Now we have a mercury contamination
14 problem. These major bodies of water within
15 a hundred mile radius of the proposed Desert
16 Rock site are contaminated by mercury and
17 have fish consumption advisories. San Juan
18 River, Farmington Lake, Navajo Reservoir,
19 Glenwick and McFee Reservoirs in southwest
20 Colorado, Vallecito Lake, and there are
21 numerous places on the Navajo Reservation
22 that are under advisory.

0116

1 Where does the mercury come from?
2 The most likely source of mercury to this
3 reservoir is from atmospheric emissions from
4 the coal fired power plants in northwestern
5 New Mexico. This is a 2005 report by USGS
6 scientists on sediments in the Narrow
7 Glenwick Reservoir, which is near Cortez.
8 Local mercury emissions, these numbers vary,
9 365 to 830 pounds per year from the Four
10 Corners Power Plant, 751 pounds per year from
11 the San Juan generating station. Additional
12 mercury emissions. Desert Rock, at least
13 another 114 pounds of mercury per year. The
14 source? Desert Rock Ambient Air Impact
15 Report to the EPA, 2006.

16 Our message. The children and the
17 families of Four Corners cannot tolerate
18 another 114 pounds of mercury.

19 Ground level ozone. San Juan

20 County, New Mexico has been very close to
21 exceeding EPA's limit on ozone pollution.
22 Desert Rock will have the potential to emit
0117

1 166 tons per year of VOCs, volatile organic
2 compounds, and 3,315 tons per year of NOx,
3 the precursors of ozone.

4 It is likely that the air emissions
5 resulting from the natural gas development
6 allowed by BLM in conjunction with the
7 proposed Desert Rock and the existing power
8 plants will cause violations of the Ozone
9 National Ambient Air Quality Standards,
10 NAAQS, in the San Juan Basin. The ozone
11 NAAQS are set to protect public health and
12 welfare from adverse effects that occur with
13 elevated ozone concentrations. According to
14 the EPA, elevated levels of ozone pollution
15 can cause temporary and permanent lung damage
16 in those with current respiratory problems,
17 as well as healthy individuals. It can
18 aggravate asthma, reduce lung capacity, and
19 increase susceptibility to respiratory
20 illnesses like pneumonia and bronchitis.
21 Elevated ozone concentrations can also impact
22 plants and crops, making them more

0118

1 susceptible to disease, insects, and harsh
2 weather. This is from EPA's website on
3 ozone.

4 Surely, these significant public
5 health and environmental impacts that are
6 likely to occur warrant a complete ozone
7 impacts analysis during the permitting
8 process under the National Environmental
9 Policy Act to determine whether the San Juan
10 Basin will comply with these federal
11 standards.

12 The conclusion. We live in an
13 amazing place. A lot of us choose to be here
14 in the Four Corners for the quality of life
15 that we have. Our quality of life is being
16 degraded. Desert Rock portrays itself as a

17 clean, coal fired power plant, yet the CO2
18 emissions would be just as much as the Four
19 Corners Power Plant; more mercury, more fly
20 ash, more degradation to the citizens of this
21 beautiful area. Due to existing poor air
22 quality in the Four Corners region, we
0119

1 already have disproportionately high levels
2 of pollution and resultant health impacts.
3 The draft PSD permit for the proposed Desert
4 Rock facility does not accurately portray
5 existing or projected air quality in the Four
6 Corners region.

7 Thank you very much for your
8 consideration of my presentation. I
9 appreciate it.

10 MS. YOCOM: Thank you for your
11 comments.

12 At this point in time, we have gone
13 through all of the speaker cards. There are
14 two names of people who signed up on the
15 website. I'm going to check in to see if
16 they showed up. Robert Gomez? Charles
17 Vaughn?

18 (No response.)

19 MS. YOCOM: Before we conclude
20 tonight, this hearing was scheduled to last
21 from 6 to 9. It's a little bit after nine.
22 However, before we conclude tonight, I want
0120

1 to make sure that there isn't -- is there
2 anyone in here who would like to speak who
3 has not had an opportunity to speak yet?

4 (No response.)

5 MS. YOCOM: If there are no further
6 comments, I will conclude the public hearing.
7 As a reminder, the period for public comment
8 shall remain open until October 27th, 2006.
9 This public hearing is now closed. Thank you
10 all for coming.

11 (Whereupon, the evening session
12 of the public hearing was closed.)
13

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21